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# INDIANS ABROAD

WITH A FOREWORD

BY

K. NATARAJAN, B.A.

*Honorary Secretary*

THE IMPERIAL INDIAN CITIZENSHIP ASSOCIATION

EDITED BY

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*(Second Edition.)*

The Imperial Indian Citizenship Association,

Petit Building, 359, Hornby Road,

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## FOREWORD.

This volume is a reprint of fifteen bulletins issued by the Imperial Indian Citizenship Association from time to time dealing with the Indian question in the self-governing Dominions and Crown Colonies of the British Empire. The more important of them relate to South Africa, East Africa and Fiji.

In South Africa the question assumed a serious aspect owing to the introduction two years ago by General Hertzog's Government in the Union Parliament of the Areas Reservation and Immigration and Registration (Further Provision) Bill which was avowedly intended to make it impossible for Indians to make a living in South Africa. As the result of strenuous representations by the Government of India, the South African Government agreed to discuss the question with Indian representatives at a Round Table Conference. The Conference was held at Cape Town last December and a settlement was arrived at which, considering the circumstances, is the best that could be secured to protect the interests of the Indians domiciled in that Dominion. The South African Indian Congress has accepted the settlement with certain reservations as to the right of the Indian community to scrutinize the proposals for implementing the terms to the Agreement. The Indian Government has accepted the settlement and the Council of State has passed a resolution expressing its satisfaction with it. The subject is now pending before the South African Parliament where there is strong opposition to it. But the Union Government and responsible leaders of all parties strongly support it, and in all probability it may soon obtain the sanction of the Union Parliament.

The next in importance is the position of Indians in Kenya and also in the adjoining Tanganyika territory. There was a lull in the interested European agitation against Indians for sometime, but it appears to have now broken out again with more than former violence.

The Indian situation in Fiji remains unchanged. The Government of India have not yet thought fit to publish the report of the Committee which was sent to Fiji to investigate the position of Indians there.

The question of Indian emigration to British Guiana is hanging fire though it has been formally sanctioned by the Government of India. Little has been heard recently about the position of Indians in Canada. It is satisfactory to report that the Commonwealth Government of Australia have redeemed their promise to place their domiciled Indians on the same footing in all respects with the white population. In these pages the position of Indians in all these various parts of the British Empire can be studied, and it is hoped that a very large number of public men will find in this volume the means of forming accurate views on the very important question of our people overseas.

Bombay,  
30th March, 1927.

E. NATARAJAN.

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# CHAPTER I.

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## KENYA.

The Indian question in Kenya can be traced to the report of the East African Economic Commission appointed in 1917 and directed to report on measures to be taken, in the East African territories throughout, (i) for the period of the war, (ii) for transitory measures of reconstruction, as well as (iii) for taking permanent measures. The findings of the Economic Commission with reference to the Indian question are given under the 3rd heading (Permanent Measures) and are included in Chapter 7 of the Commission Report. The following are some extracts from the Report :—

“ We have left to the end what is perhaps the factor which, more directly than any other, affects the welfare of the Native—that is, the influence of the Asiatic.

“ It is hoped that the frank discussion of this subject will not cause offence, but it is one which calls for plain speaking.

“ It must be borne in mind that any criticisms of the Indians, which it may be necessary to make, refer specifically to those in this protectorate. These are mostly drawn from the lowest type of artisan and “ banya ” or small shop-keeping classes, and include few representatives of the more responsible elements of the population of India.

“ Further, such criticisms, like most generalisations, are subject to exceptions. There are some Indians in the country who have proved themselves reliable members of society, and of whom we should be sorry to use disparaging terms. Exceptions, however, have little bearing upon the main argument.

“ Before the advent of the Imperial B. E. A. Company, Indians were established on the Coast, where they seized the opportunity afforded them by the abolition of slavery, to oust by loan and foreclosure the ancient Arab trade and civilisation of which Zanzibar was the centre. But except for occasional incursions by half-caste Baluchis the interior

was untouched by Indian influence till British control was effected. The introduction of the coolies employed on the construction of the Uganda Railway was the first connection of Indians with the interior. The employment of Indian labour for this work was due, it is believed, purely to considerations of convenience, and here it is instructive to note that not only did the capital cost of the Indian-built Railway work out excessively high—more than double the sum for which a reputable firm of British contractors had offered to execute the task with African labour, but that the working costs per train mile of the Uganda Railway are higher than those of the railways of South Africa Union, though the percentage of white men employed on the latter is more than twenty times as great.

“It may be permitted to question whether the authorities of the time realised the immense Imperial significance for good or evil, of their action in promoting contact between the Natives of East Africa and the decadent civilisation of India. The inevitable effect of the intervention of an intermediate race between European and African is, that that race absorbs most of the occasions of personal contact with the African. Hence such intimate influences as the African of this country is at present receiving are mainly imparted to him by the Asiatic, and are predominantly Indian rather than British.

“East Africa is in a somewhat different position from any other countries of Africa in respect of this problem.

“The self-Governing states of the Union together with the Rhodesia, control Indian immigration, with a view to ultimate exclusion. In Natal, Indian labour was at one time introduced, but its introduction was subsequently agreed to have been a mistake, and drastic steps have been taken to limit and localise its effects.

“In the African Protectorates under the Colonial Office immigration is not prohibited, with the result that in East Africa the immigrants have not been confined to the trading class, but have included coolies, clerks, artisans and mechanics. German East Africa has for long protected this invasion, but latterly, for political reasons, considerable encouragement was given to Indians there.

“It is a distinguishing peculiarity of this country that here Indian plays the parts of the clerk, artisan, carpenter, mechanic, etc., functions which the African is capable, with training, of performing

and does elsewhere perform, satisfactorily. The presence of the Indians, organised as they are to keep the African out of every position which an Indian could fill, deprives the African of all incentives to ambition and opportunities of advancement.

"It may be admitted that the Indian has played, and still plays, a useful part in opening up trade, stimulating the wants of the natives and inducing them to part with their products for purposes of export. For this service he is entitled to credit, but the essential point is that the same service might, with due encouragement, have been performed by the native peoples.

"In every direction, the sphere of the Indian in the country is not complementary but competitive with those of the European and African. Even in the minor spheres, the European, if the Indian would submit to the civic, moral and commercial obligations current in European Society, has nothing to fear from Indian competition, the contrary theory formerly found in local governing circles, having been completely exploded by the history of the past thirteen years. But with the African, the case is different. He is not strong enough anywhere to stand against the competition of the more crafty race. So long as that race is organised to keep him in servitude, by shouldering him out of all the posts that lie in the path of his advancement, he must be content to remain a mere hewer of wood and drawer of water.

' There are, therefore, strong economic reasons against the free admission of certain classes of Indians into the country.

"There are unfortunately other reasons of even greater weight against all Indian immigration into this, or indeed any part of Africa.

"Physically, the Indian is not a wholesome influence, because of his incurable repugnance to sanitation and hygiene. In this respect the African is more civilised than the Indian, being naturally cleanly in his ways; but he is prone to follow the example of those around him. Plague, though said to be "endemic" in the country, has certainly been imported, if not originally, then on later occasions, from Bombay, and Indian quarters are almost invariably the foci of each successive outbreak. The same may be said of all dirt-born diseases. The Indian is everywhere the despair of the sanitarian; here he is a menace not only to himself, but especially to the natives of the country.

“The moral depravity of the Indian is equally damaging to the African, who in his natural state is at least innocent of the worst vices of the East. The Indian is the incitor to crime as well as vice, since it is the opportunity afforded by the ever-ready Indian receiver which makes thieving easy. If the Indians were eliminated, the number of offences against property, now high, would be reduced to manageable proportions.

“The Empire is faced with a serious dilemma, which cannot be evaded. The choice lies between the vital interest of the African and the ambition of India. The presence of the Indian in this country is quite obviously inimical to the moral and physical welfare and the economic advancement of the natives. The matter is one of the highest Imperial importance, and we regard it as imperative that the Empire should definitely decide, and that without delay, whether the welfare of the African is to be subordinated in his own country to political considerations and the pretensions of the more restless elements of India.

“Upon the decision as to East Africa, the future of the whole continent will largely depend, for if Indians are to be allowed to stream in at any one entrance in unlimited numbers, it will scarcely be possible to localise them indefinitely in any particular territory.

“Our own view of this question is that there can be no excuse for meting out to the African treatment to which India herself would never submit.

“On purely economic grounds we submit that the admission of the Indian was a cardinal error of policy. It involved the economic stagnation of the African throughout a large tract of Africa, and the consequent retardation of progress for the sake of what promised to be at best but a temporary convenience. In our view, the error ought gradually, but without unnecessary delay, to be rectified by similar means to those by which the same error is being rectified in Natal.

“The Railway and other Government Departments should as quickly as possible replace Indian employees by Europeans in the higher grades and Africans in the lower. Further, Asiatics, who are allowed to remain in this country, should be obliged to conform to same sanitary standards as Europeans as condition of their residence here. It will probably be found that this will result in a great reduction in their numbers.

“The Imperial Principle which is to control the migration within the Empire of different peoples has been finally laid down by the Imperial Conference in July last in the following terms :—

‘It is an inherent function of the Government of the several communities of the British Commonwealth, including India, that each should enjoy complete control over the composition by means of restriction on immigration from any other country.’

“It is therefore essential that a decision of policy in reference to East Africa should be come to without further delay, and that such decision shall be based upon the principle of self-determination, and shall consider only the interests of the indigenous native and Arab population and of the race responsible for their control.

“It is our firm conviction that the justification of our occupation of this country lies in our ability to adapt the native to our own civilisation.

“If we further complicate this task by continuing to expose the African to the antagonistic influence of Asiatic, as distinct from European philosophy, we shall be guilty of a breach of trust.”

These extracts show clearly that the real object of the European agitation in Kenya is absolute expulsion of the Indian community and nothing short of it. It is to achieve this end that the Europeans have been declaring Kenya as “a European Community under European Government who has been guaranteed constitutional steps towards self-government.” For this it is that “they stand on their rights to govern themselves and the nation for whose future they are the trustees,” and claim the right to control the immigration of Asiatics in keeping with the reciprocal agreement on emigration between the self-governing Colonies and India. Lord Delamere, the leader of the Europeans in the Legislative Council, declared emphatically that—

“We believe that on such a policy the future of East Africa depends and we put on record now that if the Imperial Government breaks the pledges given us by the responsible Secretaries of State on the strength of which pledges we have made our homes and brought our families here, and decide that the African Colony is to be ruled by Asiatics then the responsibility is on the Imperial Government for the result.”



In obedience to this mandate the reader will remember how Mr. Winston Churchill declared one evening in a banquet speech that East Africa should be characteristically and distinctively a British Colony, accepting almost everything that the Europeans demanded including exclusive control of the Highlands, residential and commerical segregation, and restrictions on immigration.

On May 10, 1922, under the Presidentship of the same Lord Delamere, Major MacDonald, another fire-brand, addressed a large meeting at the Parklands Club, Nairobi, and appealed to the Whites of the Colony to resist the Indian claim to equality of citizenship in the following words :—

“We shall have to fight this thing out. The Indian in this country stands something like three to one. If the money is forthcoming and the intention be still there, we can turn them out. They are a distinct menace to our children. May they not in time when civilised man has become a sort of ordinary thing, when all distinctions of race and colour are replaced by other things like money—may it not be then that these three to one may swamp us? That is the danger I wish to bring to your notice clearly. I know the intention is there. I know they will leave no stone unturned, no method not adopted, to attain their object here.

✱	✱	✱
✱	✱	✱

"I consider the dangers are so real and huge that there is no sacrifice too great for any of us to make to save the inheritance carried on by our fathers—the birthright of the British nation—to hand down to our sons and daughters as our fathers handed it on to us so that the honour of our fame, as builders of an Empire such as the world has never seen before, may remain unimpaired."

Read in the light of Major MacDonald's utterance, the whole meaning of the Report of the Economic Commission becomes perfectly clear. What followed this is a matter of common knowledge. The proposals for the settlement of the Indian question travelled between the Colonial and India Offices on the one hand, and between Kenya and the Colonial Office on the other, with the result that all these Offices between them have not yet been able to evolve a solution acceptable to the Europeans.

During all this discussion, it need hardly be added, the Government of India has always upheld the cause of the Indians in Kenya and given full expression to the Indian view in all its details.

In the present controversy Indians are not yet in a position to say with certainty that their case for equal treatment has been accepted by the Colonial Office as a matter of fact. The proposed settlement now before the Kenya Government, may not yet be acceptable to the Indians. The fact that the European extremists in the Colony have repeatedly threatened bloodshed if the present proposals are persisted in, tends only to show that something not liked by the Europeans has been proposed.

India is awaiting with the most anxious interest the publication of the new proposals. Whatever the opposition offered, Indians must win in the end since their cause is just. Let Mr. Churchill bear witness. In his book "My African Journey" he writes :—

"It was the Sikh soldier who bore an honourable part in the conquest and pacification of these East African countries. It is the Indian trader who, penetrating and maintaining himself in all sorts of places to which no white man would go or in which no white man could earn a living, has more than any one else developed the early beginnings of trade and opened up the first slender means of communication. It was by Indian labour that the one vital railway on which everything else depends was constructed. It is the Indian banker who supplies perhaps the larger part of the capital yet available for business and enterprise, and to whom the white settlers have not hesitated to resort for financial aid. The Indian was here long before the first British Office. He may point to as many generations of useful industry on the coast and inland as the white settlers, especially the most recently arrived contingents from South Africa (the loudest against him of all) can count years of residence. Is it possible for any Government with a scrap of respect for honest dealing between man and man, to embark on a policy of deliberately squeezing out that native of India from regions in which he has established himself under every security of public faith?"

*Nairobi, January 5, 1923.*

The East African Indian National Congress, Nairobi, has cabled to the Viceroy, the Premier and the Duke of Devonshire as well as other leading Parliamentary representatives pointing out that at the general election in Kenya in February the franchise is not being extended to Indians. The Congress submits that this constitutes a breach of faith on the part of Local and Imperial Governments as the interim representation was only accepted last year on the understanding that a common franchise would be extended to Indians before the next general election. They request a declaration of policy of equal status at the earliest opportunity as the Indian population are exasperated with the futility of representation and are considering non-payment of taxes as a last resort.

*Nairobi, January 12, 1923.*

*The Standard*, this morning, announced that the final terms in the settlement of the Indian question had been received here and it believes they give the Indians the majority of their claims. The effect has been widespread indignation among the European population. The general opinion is that there is no possibility of acceptance. European attitude is stiffening and there is danger of bloodshed if the terms are persisted in.

*London, January 13, 1923.*

Reuter learns that active steps are being taken to reach a settlement of the questions of the political status of Indians in Kenya. The whole question of political rights and segregation have been continually under consideration since Mr. Churchill gave the Indians additional representation in the Legislature as a temporary expedient. Although no final decision has yet been reached, it is understood that the Duke of Devonshire inclines to a settlement in the spirit of Mr. Churchill's decision and his views have been communicated to the Governor, Sir Robert Coryndon.

Proposals in the form they have now assumed will be submitted to the Legislative Council and it is suggested that it will probably be found expedient in the interests of all parties to delay the elections to the Council in order to give time for full consideration of the proposals and for holding of the next elections on any new electoral basis which may be adopted.

*Delhi, January 15, 1923.*

Replying to a question of Mr. Jamnadas Dwarkadas in the Legislative Assembly regarding the position of the Indians in Kenya in view of the reported impending general election in that Colony, Mr. Hullah said that, as desired by Mr. Jamnadas, the Government of India had already telegraphed to the Secretary of State urging the postponement of the next general election in Kenya until the Indians were in a position to participate. He added that he had no official information that elections would be postponed, but the latest telegram showed that the necessity for postponement was realised with a view to hold the election on the new electoral basis that might be adopted.

*Nairobi, January 16, 1923.*

A meeting of the East African Indian National Congress Executive Committee here last night decided not to proceed with the "non-payment of taxes" programme, pending publication of terms, but recommended non-payment of municipal rates. The delay in publication of terms indicates the position is not yet hopeless, although the feeling is still as high as it has been during the past three years. A feeling of confidence prevails amongst the settlers.

—o—

*Delhi, January 20, 1923.*

The Secretary, Indian Congress, Nairobi, wires :—The confidential despatch of Indian policy has arrived. A handful of Convention leaders and the European Press are condemning the Hon. Mr. Ormsby Gore and threatening Indians with violence and bloodshed if the policy of equality is enforced. The majority of Europeans are not opposed to the grant of equal rights to Indians and they are intimidated. It is rumoured that H. E. the Governor has tendered conditional resignation. This might force the Duke of Devonshire to tone down the policy of equality in Imperial Conference. Indians are determined for equality of status at whatever cost. The Congress submits immediate intervention imperative.

— — — — —

*Nairobi, January 21, 1923.*

*The Times'* correspondent learns that further proposals have been received from the Colonial Office slightly more favourable to Europeans, probably on the questions of land settlement in the Highlands and the franchise.

The European community adheres to the programme adopted by the Convention of European Associations in 1921 and there is even talk of their using armed force to support their position.

*Nairobi, January 22, 1923.*

The Indians have sent a lengthy letter to Governor Coryndon asking him to prohibit the talk of violence and secret conspiracies to murder Indians. They also state that persons are using his high office to frustrate the decision of the Colonial Office, which is an unfair blow to the Indian cause. Sir R. Coryndon has replied that fears of violence are exaggerated, but he will take any action which commends itself to him. He also announces the receipt of instructions to continue discussion of the question and foreshadows further conferences. As a result of the appeal of Catholic and Anglican Bishops, special prayers were said in Churches yesterday that a right solution of the Indian question might be found.

—o—

*London, January 22, 1923.*

The Colonial Office announces that the Secretary of State for the Colonies is giving his close attention to the question of the Indians in Kenya in consultation with the Governor there with the object of reaching a settlement which will be acceptable to all parties.

The announcement deprecates prejudging of the decisions as making a settlement more difficult.

*Calcutta, January 24, 1923.*

Mr. C. F. Andrews, interviewed by the Associated Press concerning the news which had come from East Africa on the Indian question in Kenya, said that from his own knowledge, during his two recent visits to East Africa, the threats of violence, about which the Indian representatives had complained to the Kenya Government, had to be taken seriously. The situation demanded very careful watching, and strongest protest against this form of intimidation should be made. This threat of violence had not appeared now for the first time. It had been repeated more than once since the autumn of 1921 after the Imperial Conference. At that conference a resolution was carried with the dissent of South Africa only, declaring that equal Indian status was desirable. An attempt had been made at that Conference to exclude East Africa as

well as South Africa from the terms of the resolution but this had been defeated. It was this fact which had led directly to the first threat of violence in Kenya Colony in the autumn of 1921, if ever the terms of the Imperial Conference resolution were put into practice. In November 1921, a truce was called by the Governor, Sir Edward Northey. Then followed the speech of Mr. Winston Churchill at the East African Banquet in London in January, 1922 which appeared to be a contradiction of the terms of the Conference resolution which he himself had signed. After that speech which caused great indignation in India the whole question was thrown back for further consideration and the decision was again and again delayed. Then at last when the elections were almost due, the final decision of the Imperial Government was sent out to the new Governor, Sir Robert Coryndon. The Governor put this decision before the European Association. They immediately rejected it. From the recent telegrams it appeared that they had even threatened violence if the decision was carried out.

Mr. Andrews' personal opinion was that Sir Robert Coryndon was too strong a Governor to be intimidated. But at the same time it was urgently necessary to strengthen the hands both of the Home and the Indian Governments against such intimidatory attitude, for any weak concession to a threat of this kind would mean the ruin of constitutional administration.

—C—

*London, January 25, 1923.*

The position in the country districts as regards the Indian question is extremely acute. A number of meetings of settlers in various centres have been held at which strongly worded resolutions were passed, mainly to the effect that the granting of the Indians' claims would be resisted by any methods which were considered advisable. It is understood that steps are being taken to organise a central committee at Nairobi with the district leaders in order that the whole country shall act together in taking any extreme action if necessary.

Specially a large meeting at Nakuru passed a resolution which supported the formation of a central committee etc. and stated that the "White community declines to be a pawn in the game of Indian politics." The resolution also protested against the appointment of Mr. Ormsby Gore.

The local Indian community is perfectly quiet and appears to be awaiting events.

*Nairobi, January 26, 1923.*

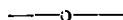
Lords Delamere and Francis Scott were the speakers, says *The Times'* correspondent, at an important meeting of Europeans held at Nakuru, the centre of the white highland settlement. Lord Delamere did not think Government would force the Bill through, even if it had been so ordered by the Colonial Office, without reference to the district.

Steps are being taken to organise the districts and appoint leaders to establish a central committee to act and to be in the closest touch with Nairobi.

Resolutions were passed declaring that if the Government acceded to the Indian claims the white settlers would take action to prevent the legislation taking effect, such action being of a persuasive character. "Physical pressure would only be resorted to to show the persuasion exerted was meant to be acted upon."

The meeting protested against the continuance of Major Ormsby Gore as Under Secretary of State for the Colonies.

Sir Robert Coryndon meets the Indians this week in connection with Colonial Office proposals.



*Nairobi, January 23, 1923.*

Local Indians have received a cable from the Aga Khan which advises them not to depart from constitutional means. It declares that the first unlawful act will bring disaster to their cause.

Further resolutions were passed in the country districts yesterday which indicate that the Europeans are taking up an implacable attitude and the situation is more acute than ever.

It is understood that the Governor, Sir Robert Coryndon, is having interviews with the leaders of both sides during the coming week-end when it is hoped that the terms will be disclosed.

*Nairobi, January 19, 1923.*

With the approach of the Kenya general elections for the Legislative Council to be held on February 21, the agitation for recognition of Indian claims has again been instituted. The Indian leaders are reminding Government that they accepted the present temporary nominated representation on the Legislative Council consisting of four members, with one on the Executive Council, under pressure from the India Office

and on a promise being given that their claims for common adult franchise would be considered and settled before another election. If that promise is not implemented, the Kenya Indians will have every ground for charging the home and local authorities with breach of faith.

The agitation has gradually cooled since the acceptance of four representatives who, although powerless in a division, have been listened to by Government with respect. The matter was again brought into prominence by a notice in the *Gazette* reminding Europeans that their claims for votes should be included in the roll by April, a date which the Indian leaders considered, gave them ample time to prepare their case in India and England, but in the following week a second notice was published fixing the election for February 21. There has been no sharp practice because the present Council's term closes on that date and, at the same time, the existing law provides for the revision of the voters' roll in April so that the election must take place on the old roll.

There seems reason to believe that if the Indian community could persuade Government to reconstitute the position in such manner that the Europeans could be given a communal vote, with Indians on that same basis, the settlement could be reached, satisfactory at least to Government and the Colonial Office, the European representation being reduced to, say, six members instead of eleven, with four Indian representatives as at present. This would enable the Government to preserve an official majority without making the Council unwieldy. For the satisfaction of each community elections could still take place on a communal basis instead of on a common register and the Governor would in due course confirm the selections.

*Bombay, 10th January, 1923.*

To,

THE SECRETARY

TO THE GOVERNMENT OF INDIA,

Revenue Department,

(Emigration).

DELHI.

Sir,

I have the honour to invite your attention to recent developments in the Indian situation in Kenya, as reported in Reuter's telegram from Nairobi, dated the 5th instant (copy attached). The Committee of this Association has no doubt that the Government of India fully appreciate



the situation which confronts all including themselves, who advised acceptance by the Indians of interim proposals made by the Colonial Office to the Kenya Government last year. It seems clear that the Colonial Office is not yet prepared to decide even the franchise question on which there was not much difference of opinion. This Association earnestly trusts that the Government will take prompt steps to prevent this breach of faith and to insist upon the Colonial Office taking up the settlement of the Indian question at once, postponing the election in Kenya till the settlement is put through. It ventures to suggest that Government should publish at once what measures they are adopting so that public opinion may feel reassured.

I have, etc.

(Sd). JEHANGIR BOMANJEE PETT,

For Self & Co-Secretaries,

The Imperial Indian Citizenship Association.

*Delhi, January 30, 1923.*

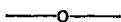
At to-day's meeting of the Assembly Mr. Hullah made an important announcement regarding the postponement of the general election in Kenya. Mr. Hullah read to the House the text of the telegram received by Government this morning from the Secretary of State. It ran : "The Colonial Office have authorized the Governor to make an announcement in the following terms :—The unavoidable delay in settling the outstanding questions including that of Indian representation has made it necessary for the Secretary of State to choose between a postponement of the general election, and dissolution of the new Council after its election. In adopting the former course the Secretary of State has been influenced by the fact that from the date of his predecessor's original attempt to secure a settlement by agreement it has been intended that the new constitution should be framed in time for it to be brought into force on the occasion of the general election now due."

*Nairobi, January 30, 1923.*

The Governor met the representatives of both sides during the week-end behind closed doors, when he informed them of the proposed terms of Indian settlement.

It is understood they include a common voters' roll in tests what will include ten per cent. of the Indian population. The constituencies are so arranged as to allow for seven or eight Europeans and four Asiatics. The Indians get some form of municipal franchise, the details of which will be disclosed later.

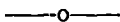
There is no restriction on immigration at present. The Highlands are reserved for Europeans. It is authoritatively learned that the Europeans definitely refuse to agree to these terms, while the Indians are prepared to accept them as a compromise provided they are not altered. The position is still grave.



Resolution adopted at a meeting of the Council of the Imperial Indian Citizenship Association held on the 16th January 1923 :—

“The Committee of the Imperial Indian Citizenship Association regrets that though important steps are reported as being taken by His Majesty's Government towards the settlement of the Indian question in Kenya, the terms of the proposed settlement are not published in India and requests that Government will be pleased to publish them as soon as possible.

The Committee is at the same time alarmed at the report conveyed in a Reuter's telegram that European settlers are indignant with the proposed terms and threaten bloodshed if they are persisted in. The Committee is certain that the Government of India will lose no time in expressing its emphatic denunciation of this policy of intimidation and in insisting upon His Majesty's Government maintaining the principle of equality in its dealings with the claims of Indian settlers in Kenya in spite of the selfish and ill-natured demonstrations to the contrary on the part of its European settlers.”



*London, January 18, 1923.*

Mr. Henry S. L. Polak, Hony. Secretary, Indians Overseas Association, London, cables :—

“Request Citizenship Association to cable the Imperial Government urgently pressing satisfactory Indian settlement with the Kenya Governor. The European community are endeavouring to nullify the proposals agreed. The Imperial and Indian Governments are largely favouring Indian contentions. Please warn the public. Request the Indian legislature to move immediately.”

*Bombay, January 20, 1923.*

(4) Mr. Jehangir Bomonjee Petit wires to :—

- (1) N. M. SAMARTH, Esq.,
- (2) JAMNADAS DWARKADAS, Esq., and
- (3) N. M. JOSHI, Esq.,

DELHI.

—o—

“The Indians Overseas Association wires that the Kenya Governor and the European community are endeavouring to nullify Indian settlement proposals largely favouring the Indian contention. Please interpellate Government to move for the adjournment of the House and press Government to make irresistible representation to His Majesty’s Government to uphold the Indian cause.”

Resolution adopted at a meeting of the Managing Council of the Bombay Progressive Association held on the 19th January, 1923, and communicated to the Government of India :—

“The Council of the Bombay Progressive Association has heard with deep regret of the attempt of the European community of Kenya by threats of resistance and bloodshed to nullify the proposals agreed to between the Imperial and Indian Governments and urges upon the Government of India the absolute and immediate necessity of pressing the Colonial and India Offices to uphold the just cause of Indian settlers in this final stage of their struggle for freedom and equality. The Council trusts that in this crisis, the Imperial Government will do nothing to leave India seriously embittered by a sense of the most grievous wrong, as would certainly be the case if they yielded to threats of intimidation and violence reported to have been held out by Kenya Europeans. The consequences of such a submission would seriously imperil the loyalty and co-operation of Indians and hopelessly shatter the moral basis of the British connection in India. The Council therefore earnestly urges an early settlement of the Indian question in Kenya on the lines of the Government of India’s Despatch of October 1920, and considers its duty to warn Government that failure to arrive at a satisfactory settlement at this critical juncture will be disastrous in the extreme and will be productive of consequences too serious and far-reaching to be contemplated with equanimity.”

A wire from the East African Congress to Mr. J. B. PETTIT:—

*Nairobi, January 21, 1923.*

The Kenya Indian situation is extremely grave. Europeans are openly threatening shooting the Indians if any rights are granted. The object is intimidation of Colonial office to nullify the Imperial Conference Resolution about equality. Urge people and Government of India to take strong action, hold meetings throughout India. Under the instructions of the Bishop of Mombasa all the Churches are offering prayer to-day for peaceful solution.

His Highness the Aga Khan wires to His Excellency the Viceroy-Delhi.—

*Bombay, January 23, 1923.*

“As Chairman, Indians Overseas Association, London, and President, Indian Progressive Federation, I consider it my duty to invite your Excellency’s attention to the extreme gravity of the Indian situation in Kenya and to my apprehension of the intense excitement and exasperation that will be caused among all classes of the Indian people by the threats of resistance held out by Kenya Europeans, and earnestly request your Excellency’s timely intervention to prevent counter-resistance by the Indian community of Kenya and its disastrous effects on the political situation in India and generally on the Indian mind. If threat unchecked the ultimate harm will be incalculable.”

From “*The Times of India*.”

*Delhi, January 23, 1923.*

The developments of the Kenya problem, as indicated in Reuter’s telegrams of the past days and particularly the threats of violence by the Europeans against the Indians in Kenya, have aroused the liveliest anxiety among the members of the Legislative Assembly now assembled here. An appeal telegraphed to several members by the Imperial Citizenship Association in Bombay, for whatever action can suitably be taken to support the Indian position in the Colony has also quickened that concern. The matter was, I gather, discussed at considerable length at a large meeting of unofficial members at Raisina during the past weekend.

The first proposal was to move the adjournment of the House so that the Indian view might be emphasized in the most forcible manner. The suggestion was rejected in the belief that to adopt it might hamper rather than assist the official efforts being made to maintain Indian rights. But that this restraint does not mean a slackening in the determination of the Assembly in insisting on the recognition of the just claims of the Indians was forcibly shown when a question on the subject was asked by Mr. Seshagiri Ayyar in the House this morning. The question aimed merely to elicit the information that Government are aware of the latest aspect of the matter in the Colony and are in touch with the Secretary of State in regard to them. The response was satisfactory to the House on both points.

But more significant than the question was the volley of supplementary questions put from all quarters of the House immediately after it. Many Hon. Members rose simultaneously but eventually Mr. Sheshagiri. Mr. Rangachariar and Mr. Jannadas Dwarkadas were the spokesmen for everybody. The replies by Mr. Hullah and the Hon. Mr. Sarma showed that Government are as closely watching developments as the unofficial members of the House and that Government, the Secretary of State and the House are in complete accord in regard to them. Finally Mr. Sarma promised that Government would again telegraph to the Secretary of State informing him of the feeling in India and that all that can be done should be done.

Government are extremely reticent on the subject because of the delicacy of the situation at the moment, but the point that has been reached is generally known. When Mr. Winston Churchill formed his conclusions upon the matter, as Colonial Secretary, he referred them to the Governments of India and Kenya. Both in reply forwarded their opinions upon them. By this time the Duke of Devonshire had taken over Colonial Office and it is the receipt of his decision revising Mr. Churchill's in the light of the criticisms received that has precipitated the hot renewal of the agitation in Kenya. I hear from a friend with some acquaintance of the subject that the facility with which confidential matters leak out of the Kenya Secretary is even greater than the classic examples sometimes quoted in India. The present furious state of mind of what we may call the extremist European section in the Colony may perhaps be taken as proof, not only that the leakage on this occasion has been pretty thorough but that what has leaked out is fairly satisfactory from the Indian standpoint.

*Bombay, January 26, 1923.*

TO THE EDITOR, "THE TIMES OF INDIA"

Sir,—Though it is possible to exaggerate the immediate consequences of the present situation in Kenya, I feel that unless steps are taken to put the relations of the settlers and the Indians on a sound footing great and indeed incalculable injury may be done to the interests of the Empire as a whole. We saw only three years ago how the Turkish question affected this country, and it would be a misfortune if now that the main lines of a settlement are within sight and that there is every reasonable hope that sooner or later the question of the Jezira and the Holy place will be settled, another problem directly affecting Indian sentiment should arise outside this country and compete in the public mind and conscience with the great and growing problems of economic, financial and political reconstruction which are facing this country, just as they are all States. The immediate danger in East Africa is that a few hot heads may commit acts that will affect the mind and imagination of Indians, not only there and now, but there and in the future.

Great Britain's connection with India has brought this country many benefits, but one of the greatest is undoubtedly the fact that the Indian has gradually absorbed the Anglo-Saxon sentiment of respect for law and that private vengeance and political and religious acts of violence have grown rarer than even in many western countries. Nothing shows better the civilisation of a state than the comparison between the frequency of violence from purely sordid motives or from motives that in themselves are not expression of low passion. In countries where crime is entirely due to the former, such as Great Britain, it means that the degenerate alone break the law, while in countries where men take the law into their own hands from better motives the people have not yet learnt the essential and elementary fact that such actions, even if right and legitimate, should be brought about by the general consensus of opinion rather than by individuals or parties. If at such a period in India's history when crimes due to political, racial and religious motive are being more and more condemned by opinion of all schools of thought—if it is such a period in a colony where respectable and law-abiding and some most loyal Indians have made a home for generations—"lynch law" is once started, the great work for civilisation in this country will be immediately thrown back for decades.

In the years before the Great War it was not uncommon to hear German publicists refer in private conversation to the British and French Empires as the two *Piebald* Empires of the West, but they learnt in Flanders and in France that great empires can appeal to men of all races when their ultimate foundation is sound. I fear that a racial outbreak between Europeans and Indians and with race as the dividing line may weaken those very roots that led to the success of the Empire in the Great War. The Government of India as such will no doubt do what is within its power provided the matter is brought to its notice ; but there are two lines of action by the public of this country that might lead to an improvement of the situation and help the case of the Indian Government. The first is that my countrymen of all schools of thought should select two or three universally respected individuals, men like Mr. Sastri, who knows the colonial better than anyone I can think of, and send them as bearers of a message of expostulation and reconciliation to the settlers in East Africa from one public of British Empire to another, and make a direct attempt at improvement of feeling. The other is to the European non-officials of this country and their organisations. If they really realise that the British Empire of the future should be an association of co-operation between men of all races and creeds and customs, then indeed in the case of East Africa above all other portions of the Empire, they should use their full influence and power to bring about a better general feeling and to convince the colonials that, whatever the short view, in the long run their own interests make it necessary to have a large and prosperous and happy Indian Colony in Kenya.

AGA KHAN.

## I. LORD DELAMERE'S MEMORANDUM ON THE CASE AGAINST THE CLAIMS OF INDIANS IN KENYA.

The purpose of this Memorandum is to give to the British Public an idea of the true position of the Europeans and indigenous inhabitants of this Colony, and of the menace to their national and economic existence, if equal status with British-born subjects be granted to the Indian residents in the Colony, or if any recession from the policy embodied in the five principles set out in Paragraph II. below be granted to the Indian community.

1. At present the relation of European and Asiatic in the Colony is as follows :—

- (a) The population, according to the Census taken in June of this year, 9,651 Europeans and 22,822 Indians. The native number some two and a half to three millions.
- (b) The responsible offices in all Government Departments are held by Europeans, Indians being employed merely in the lower grade of the service.
- (c) The Legislature consists of a majority of European Officials, who are, through the Governor, under the direction of the Colonial Office, eleven elected European representatives, two Indian representatives (elected on a communal franchise) and one nominated Arab representative. The Indian section of the community has not, however, availed itself of the right of election, so that to-day the composition of the Council is, with the exception of the Arab member, entirely European. The interests of the natives are safeguarded by the appointment to the Council of the Chief Native Commissioner.
- (d) A certain portion of the Highlands of Kenya had, in accordance with the directions from the Home Government, since 1906, been reserved for European occupation.



- (e) A principle of residential segregation between the various races, European, African and Asiatic has obtained for many years.
- (f) Immigration, except in the case of criminals and indigents, is unrestricted.
- (g) The Indian Community mainly follows three paths of activity—shop-keeping, artisan and clerical employment.

2. Lately, the growing disloyalty in India, largely, it is believed, outcome of mismanagement of Indian affairs, has caused the India Office to consider the possibility of throwing Kenya as a sop to India.

The movement started during the war, when practically the whole European population was on active service, and was supported by local Indian agitation, with the result that the subject in all its bearings was considered by Lord Milner, late Colonial Secretary, who, in August 1920, published a Despatch enunciating a Policy, which, though they were by no means satisfied, the Europeans nevertheless tacitly accepted as a temporary compromise in order to avoid discord at a critical time.

The following points of the "Milner Policy," as embodied in the Despatch are now objected to by a section of the Indian Community:—

- (a) The recognition of the right of occupation of the reserved portion of the Highlands by Europeans to the exclusion of Asiatic.
- (b) The upholding of the principle of segregation.
- (c) The limitation of the right of Indian representation on the Legislative Council to two members elected on a communal Franchise.

3. However, the Indian agitators (for the demand for equal status does not proceed from the masses of the local population but from a small party of malcontents, directed by the seditionist party in India) were by no means satisfied, and now, with a change in the person of the Secretary of State for the Colonies and under continual pressure from India and the India Office, the subject has suddenly become acute, for the Indian claims are now for absolute equality with the Europeans, as a step to complete supremacy.

In detail these are :—

- (a) The right to hold any position, however eminent, in the Civil Service and local Military Forces.
- (b) The right to equal representation with the European on the Legislative Council on a common franchise.
- (c) The right to acquire land in the hitherto reserved portion of the Highlands.
- (d) The abolition of the principle of segregation.
- (e) The right to penetrate the country in unrestricted numbers.

4. The above claims are advanced on the grounds (*inter alia*) (1) that the Indians are British subjects and (2) of the Indian war services.

Without wishing to disparage the achievements of the fighting races of India, under the leadership of English officers, it should be pointed out that the war record of the local Indians is not one of which they can well be proud. The adult male Indian population of Kenya, Zanzibar, Uganda and Tanganyika during the war is believed to have been about 20,000, and of these 1,383 became members of the Forces. Of this number, only 376 were combatants, the remainder being employed as clerks, transport drivers and sweepers (scavengers). The large majority of the 1,383 Indians who served were automatically absorbed into the Forces by reason of the Department in which they were employed, (e. g., the Uganda Railway) being made subject to Martial Law.

The casualties suffered by local Indians were:—

Killed	..	..	..	..	..	nil.
Died of Wounds	..	..	..	..	..	nil.
Wounded	..	..	..	..	..	nil.
Executed for Treachery	.	.	.	.	.	5.

(the death sentence in 3 other cases being commuted).

The local Indian during the war was notorious for his efforts to avoid military service.

Further, it is a significant fact that of the large number of British Indian traders in German East Africa while the campaign was in progress, practically none were interned by the Germans.

The advocates of equal rights for Indians in Kenya claim them as an act of Justice to those Indians who are already resident here. There is a feeling amongst the European colonists that the illuminating figures quoted above hardly justify this claim.

The war record of the native tribes presents a contrast. The total who served, either as combatants with the King's African Rifles, or in the Labour or Transport Corps or as Carriers, was upwards of 600,000 of whom it is believed at least 10 per cent. were killed or perished under the rigours of the campaign.

5. The British Public is, in the main, unaware of the state of affairs in India at the present time. In England the general conception of the Indian is the cultured cosmopolitan gentleman or the splendid fighting man, both of which types are the poles apart from the political agitator class which is stirring up sedition in India at the present time and which is now seeking equal rights in Kenya. They are also entirely different from the illiterate, ignorant small trader and artisan who form the bulk of the Indian population of Kenya, and upon whom it is proposed to bestow equal franchise rights with the European colonist. That many local Indians do not even understand the meaning of an elective franchise, or what it involves, is made evident from Indian meetings recently held in Nairobi.

6. Disloyalty and sedition are rampant in India and the position is so grave that European women and children are being warned to consider the advisability of leaving the country. Indeed, the seditionist movement has recently developed into open rebellion, and the Moplah rising is merely symptomatic of conditions throughout a great part of India. That this is so is evidenced by the speech of Lord Willingdon, Governor of Madras, in the Madras Legislature early in September, in which he stated that the religious fanaticism of the Moplahs was an instrument used by the leaders of a widespread and dangerous organisation, who were only watching for an opportunity violently to overthrow the Government and the whole Civil Administration. He appealed to members of the Legislature to encourage the people to resist an intolerable terrorism which was the very antithesis of liberty. The leaders of the movement, at whose head is Mahatma Gandhi, are openly disloyal and have in the past been convicted or interned as such. The movement, before it reached the stage of rebellion, was carried to such a pitch that the Gandhi party successfully organised a boycott of the Duke of

Connaught's tour through India, an action which a local Indian agitator, M. A. Desai, has approved on political grounds.

7. The agitation in Kenya is definitely identified with Gandhism by the above and by the admission of the local leaders. As further evidence, two illustrations are selected at random. (i) In July of this year a hat belonging to Gandhi was auctioned at a mass meeting of Indians in Nairobi for a large sum amidst scenes of enthusiasm. (At this Meeting, it may be mentioned, Mangal Dass, one of the Indian leaders, stated in English, "When we get Self-Government in India, we too can bring our cannons and rifles and fight for our rights in this Colony.") (ii) The local Indian paper, the organ of the party, voices its approval of the following telegram from one Marcus Garvey, President of the International Congress of Negroes at New York to Gandhi "Accept best wishes 400,000,000 negroes, through us their representatives, for the speedy *emancipation of India from the thralldom of foreign oppression*. You may depend on us for whatever help we can give."

8. The present Secretary of State for the Colonies has enunciated the doctrine that all British subjects are to be equal in His Majesty's Dominions and that neither race, colour nor creed shall be a bar to the attainment of the very highest position.

As an ideal suited to some future Utopia this may be admirable, but it has not been proved to be a practical policy to-day, and where Eastern civilisations are concerned which have not yet attained the political development of the Western world its introduction into Imperial politics will merely advance the day when the West will have to reckon with these civilisations. Such a proposition in India itself is acknowledged by General Smuts to be "One of the greatest problems in the world to-day." To force such a gigantic experiment upon primitive races, who are slowly emerging from slavery and barbarism and need helpful direction and discipline to raise them from the depths of ignorance and superstition would be nothing short of disastrous.

In the stress of the period following the war, and at a time when Indian aspirations were within the bounds of reason, the British Europeans of the Colony tacitly accepted the "Milner Policy" as a temporary expedient at the specific request of the Government on the distinct understanding that no further concessions to Indians were contemplated. That policy was then recognised as the "irreducible minimum consistent with the bare political existence of the European and native communities."

But the direction which Indian agitation has since taken has shown the extreme danger to the welfare of the native races, to the European administration, and to the larger Imperial issue of British rule in Africa, of conceding the principle of unrestricted immigration and an elective franchise to a people who have openly avowed a connection with the seditious movement in British India, and who now demand an equal voice with the European in the Legislative and Executive control of the Colony.

The grant of elective franchise, coupled with unrestricted immigration, to a race which already outnumbers the European population by more than 2 to 1 and in a country in which, in Mr. Churchill's words, "The European has not the power to constitute a white proletariat," must ultimately give them a controlling influence in the Government of the Colony no matter what safeguards be devised. The inevitable final step will be the virtual evacuation of the Colony by its European population, since the two civilisations, from every point of view, are so opposed that a mixed community of the two races is impossible.

What the effect of the government controlled by Asiatics and the consequent infusion of Eastern laws and influences, moral, physical and in intellectual, would be on the indigenous peoples is sufficiently indicated in the expressed opinions of the representatives of the Church and Missionary bodies and medical faculty quoted in para. 17 below, and in the emphatic protest of the natives themselves as expressed at meetings held in various parts of the Colony. Nor can anyone with the smallest acquaintance with the native of Africa entertain a moment's doubt of the matter.

10. A further aspect of the question of unrestricted immigration is its economic effect on the interest of the native. The bulk of Indian immigrants to Kenya consists of artisans, clerks and small traders.

With regard to the first 2 classes, Indians in this respect have hitherto been, and to some extent still are economic necessity, but with the intellectual development of the native, the latter is gradually being educated to take the place of the Indian. If the Colony is to continue to be flooded with Indians, not only is the prospect of the native in his condition of inferior intellectual powers competing with the more advanced Asiatic naturally hopeless, and all incentive to his progress removed, but the Indian will, as he does already, oppose every artificial obstacle in his power to that advancement.

As to the small Indian trader, he has already practically eliminated the native trader from his rightful position in the commercial life of the Colony.

11. For the above reason, the British European community is now definitely of opinion that the "Milner Policy," acquiesced in under abnormal circumstances and in a spirit of moderation and concession which has been grossly abused by the Indian agitators, is inadequate for the protection of themselves and of the indigenous population. They, therefore, now insist that the ultimate Asiatic policy of the Colony must include the principles which they have for long past maintained as essential to the development of Kenya and to the maintenance of Imperial integrity; principles which the Convention of Associations of Kenya affirmed in June, 1919 and, in re-affirming in 1921, digested into the following 5 cardinal points:—

- (i) Strictly controlled immigration at present with a view to ultimate prohibition, consistently with the principle enunciated in 1917, and confirmed in 1921, by the Imperial Conference, of the inherent rights of every community within the Empire to determine the composition of its own population.
- (ii) Two nominated and not elected Indian members of the Legislative Council.
- (iii) Segregation in residential areas, and, where practicable, in commercial areas also.
- (iv) No alienation to Asiatics of land in the Highland area.
- (v) Full recognition of existing Asiatic property rights.

12. As regards segregation. A people which has elevated caste into a religion and carried the principle of exclusiveness to the extreme pitch can hardly be taken seriously in their objections to segregation. In fact the leaders of the local Indian agitation have boasted that Indians have no wish to live amongst Europeans and that they claim to be entitled to live where they choose *on principle only*.

The dangers of non-segregation of an Oriental race in a European community are mainly on sanitary and moral grounds.

The views of the bulk of the local Indians on sanitation and hygiene are worse than primitive and, particularly in a tropical country, their proximity to European residential area is fraught with the greatest danger

to the latter community. From the moral aspect, the breaking down of the barrier of segregation will inevitably lead to the establishment of mixed schools, with the undesirable consequence of English children sitting alongside Indian children who are in all probability married and initiated into the mysteries of sex.

The Europeans of Kenya cannot agree to face dangers of such magnitude for the sake of redressing a grievance which is purely artificial and in fact a mere political "catchery." In this connection, it may be pointed out that the principle of segregation was strongly insisted on by Professor Simpson, who visited Kenya officially in 1913 for the purpose of advising Government on this subject. Not only did he advise, on social and sanitary grounds, the segregation of the communities, but he advocated the establishment of reserves or neutral zones between European and Asiatic residential areas, as further safeguard against the intermingling of the races.

13. To permit Asiatic settlement in the area reserved for European occupation will be for Government to break a solemn pledge given to the European colonists of Kenya--given originally by Lord Elgin, and deliberately renewed last year by Lord Milner. This pledge is consonant with justice, in that the Indian, at a time when the economic possibilities of the country were entirely unknown, refused, with few exceptions, to avail himself of offers of settlement in the Highland areas, because he was incapable of being a pioneer. On the faith of this pledge our homes have been built, our farms developed, our children educated to take our place, in course of time. The pioneers and colonists of many years' standing, who have opened up the path for Indian penetration, will suffer and, in addition, the hundreds of ex-service men who were invited to settle in the Colony after the late War and who throughout the country have voiced the view that one of the inducements to settlement in Kenya was that they would be making their homes among their own kind under British Administration.

14. One regrettable feature of the Indian campaign in Kenya is that they are engaged in stirring up disaffection among the native tribes. Acting under cabled instructions from one of the Indian leaders, the majority of Indian traders and shop-keepers are engaged in poisoning the minds of the native against the British Administration. This is by no means a difficult matter in the distant native Reserves where contact between the native and European is infrequent.

15. In consequence of advice from England that the well-being of the native races is the Indian's weakest political plank and requires artificial support, the local Indians have endeavoured to put a complexion on the relation of the Indian and native which in fact does not bear. Shortly after the public statement of their policy by the English community, a number of resolutions was passed at a meeting of natives in Nairobi to the effect that the presence of Indians in the Colony was inimical to native interests: that next to the Missionaries, Indians were the natives' best friends: and urging the Government to confer the franchise upon all educated British subjects in the Colony.

To anyone who knows the contempt and distrust with which the Indian is regarded by the native, it was at once apparent that the resolutions had been "inspired" by Indian influence, and within a few days this was definitely proved to be the case. It appeared that the native meeting had been called at the instance of an educated Kikuyu, one Harry Thuku, the Secretary of the Kikuyu Association, and, incidentally, an ex-convict for the crime of forgery. Several days prior to the meeting, Thuku and one or two of his native associates were entertained to tea by certain of the Indian agitators and under the promise of a free trip to India for Thuku and his friends the text of the resolutions and cable reporting them was drafted by Indians then present.

These resolutions were at once cabled to the English Press, but within a fortnight the paramount Chief of the Wa-Kikuyu had called a meeting of his sub-chiefs and headmen and all influential Kikuyus, at which Thuku's resolutions were disowned and repudiated and Thuku himself dismissed from his position as Secretary of the Association. Several other meetings of natives have been held since in other parts of the Colony and all have, without exception, been opposed to the idea of any elevation of the Indian to a responsible position in the government of the Colony.

The above has been dealt with in detail, as the original resolutions passed at Thuku's meeting appeared in the English Press, while their exposure, though cabled home by the European community at the time, does not appear to have been accorded similar publicity.

16. Although the Indian trader undoubtedly fills a niche in the commercial life of the colony, yet the results of his trade are but of transitory benefit to the country. In but few instances does the Indian settle permanently in Kenya, and the consequence is that instead of



reinvesting his profits locally he remits them to India. He has every opportunity of investing his profits in the immense areas in the country which are open for Asiatic occupation, but in very few instances he avails himself of such opportunity.

In times of depression, the Indian bankruptcies are out of all proportion to those of other communities.

During the last 18 months, since the currency of this country has been established while the Indian rupee has been of fluctuating value, the Colony has lost an enormous sum of money by the smuggling of rupees into the country by Indians.

17. There is no room for doubt that the Church and Missionary Societies take the view that the grant of rights to India which would lead to her ultimate supremacy would sound the death-knell of native advancement.

The Bishop of Mombasa, speaking on the native aspect of the question at the Mass Meeting in Nairobi, as one who had spent many years in India and had made Indian friends there, stated that "it would be fatal to give India the Government here when our native races were beginning to realise that they had a future before them."

Canon Burns, one of the oldest and best-known Missionaries in the Colony, in the course of a speech at the same meeting, after referring to the wholesale cheating of the natives by Indians and of the utter disregard of the Indian for the uplifting or advancement of the Native, gave it as his opinion that if the proposed concession to Indians were carried into effect, the progress of the native would be put back 50 years. It would be the most disastrous thing that could happen from the native point of view, and if it happened, he doubted whether he could continue his work in Kenya.

The medical faculty has been equally emphatic in its condemnation of any change of status which would have the effect of placing the Indian in any position where he could influence the native. Dr. Burkitt, the senior private medical practitioner in the Colony, who for many years was a medical officer in India, in dealing with the subject, said :—"I say as a medical man who has been up against all this, that no sanitation or hygiene can be carried out in the face of the abominable religious customs of Indians and judging by what I myself have seen of them, say unhesitatingly that they are much more degrading and debasing than

anything I have seen or heard of amongst the Natives of this country. Venereal disease, in peoples following such debasing religious customs, I need hardly say, is rampant, more rampant probably than anywhere else. The statistics, as far as they can be taken in Bombay City this year, and as given in last month's *British Medical Journal*, exceed anything yet known. The same may be said of bestial sexual offences, also generated by these religions and which are almost unknown among primitive peoples. With regard to plague, our greatest disease danger in this country, I have not the remotest hesitation in saying that its incidence in this country is due to the insanitary customs of our Indian compatriots."

19. And there is the wider aspect. Our concern for our home in Kenya and the well-being of the native people does not blind us to the fact that the danger to the Empire and to Christianity is greater. If the East is permitted to penetrate Africa and the Trusteeship of the vast native population be transferred to other and alien hands, then gone is the dream of a series of Christian African States, created and linked together by the genius of British colonisation.

20. Australia, New Zealand, Canada and South Africa have all closed the door to Indian immigration—all have seen the danger. To those on the spot the menace is apparent, to those at home it is vague and indefinite. For this reason we desire investigation here.

To sum up :—

Is England to be marked with the stain of betraying the African native to Eastern rule ?

Is the young growth of Christianity and Western civilization to be supplanted by Eastern creeds and supersitions ?

Is the pioneer and the man who, in the words of the Colonial Secretary, " is up against the wilderness " once again, in spite of solemn pledges, to be the sport of political opportunism ?

On behalf of the Unofficial  
Members of the Legislative  
Council of Kenya,

On behalf of the Convention  
of Associations of Kenya,

(Signed) DELAMERE.

(Signed) C. KENNETH ARCHER,

*Chairman.*

## II. THE ECONOMIC ARGUMENT.

—o—

EXAMINED BY MR. C. F. ANDREWS.

It is stated again and again, in important documents published in East Africa, that the Indian is actually retarding the economic progress of the African native ; that he has taken out of the African's own hands the chief opportunities for self-advancement in industry and trade. It is pointed out that, on the Western coast of Africa, where there are no Indian artisans or traders, the Africans have learnt to undertake skilled work for themselves, under European guidance and supervision. But in East Africa, where there are many Indians, who are cleverer than the African natives, the Indian comes in at all points between the European and the African. He is thus, as belonging to a " more crafty race " (to quote the Economic Commission Report), in a position of vantage and is able to keep all the trade and industry in his own hands and permanently to depress the African.

The European, it is said, in order to suit his own convenience, at the moment, employs the Indian who is on the spot, instead of instructing the African. But if the Indian were out of the way, the European would be obliged, either to employ the native, or else to undertake the work himself.

It is further argued that the Indian is a poor craftsman and a poor mechanic. He is also said to be untrustworthy in business. His influence over the native is bad. If the African came directly under the influence of the European, it would be better for all concerned, and things would rapidly improve.

For these and many other reasons, it is argued, the employment of Indians in East Africa has been a mistake. It would have been much better never to have brought them out at all. In South Africa, this mistake has been discovered in time. It must be put right in other parts of Africa also. No more Indians must be allowed : they must be excluded all along the coast. East Africa must fall into line with her sister colonies in the South. Just as South Africa has shut the front door against the Indians, so East Africa must shut the back door.

It may be well, at this point, to recall the exact words of the Economic Commission Report. They run as follows :—

" The African is not strong enough anywhere to stand against the competition of the more crafty race . So long as that race is organised

to keep him in servitude by shouldering him out of all posts which lie in the path of advancement, he must be content to be a mere hewer of wood and drawer of water . . . . On purely economic grounds we submit that the admission of the Indian into East Africa was a cardinal error of policy. It involved the economic stagnation of the African over a large tract of Africa and the consequent retardation of progress for the sake of what promised to be but a temporary convenience. In our view the error ought gradually, but without any unnecessary delay, to be rectified by similar means to those by which the same error is being rectified in Natal."

The Report again speaks of the presence of the Indian as depriving the African of "all incentives to ambition and opportunities of advancement."

It is significant that the Convention of Associations' "Petition re Indians" contains, not once only, but many times over, phrases that are identical with those of the Economic Commission Report. For instance, one of the main heads of indictment reads as follows:—

"Whereas Indian competition deprives the African of *all incentives to ambition and opportunities of advancement.*"

As the Convention of Associations' "Petition re Indians" was published some months before the Economic Commission Report, it seems probable that the non official members of the Commission, such as Major Grogan and Lord Delamere, not only won over to their own side on the Indian question the Chairman and the other official members of the Commission, but also obtained leave to draft, in a great measure, the "Indian" sections of the Report. In this matter, if one may judge by internal evidence, official opinion has been led by non official opinion and not *vice versa*. It is true that Colonel Amery, on behalf of the Secretary of State for the Colonies, has denied in the House of Commons any Government responsibility for the finding of the Economic Commission. This denial, however, must not be taken as closing the whole question. In spite of Colonel Amery's words, the main conclusions of the Report are likely to influence the administration. Then, at some later date, when the pressure of non-official opinion in East Africa gathers weight and a convenient opportunity presents itself, legislation may be hurried through. The Indians have no safeguard whatever at the present time.

The situation now brought about in East Africa by the union of prominent officials and non-officials in a clearly defined policy of ultimate Indian exclusion is one of the most sinister signs of the times. The people at home in India would be very foolish, indeed, if they were lulled to sleep by Colonel Amery's assurance in the House of Commons. It was negative, not positive, and such negative answers are not seldom explained away, when overwhelming pressure is brought to bear from the other side.

The Economic Commissioners themselves were all of them Europeans. There was, as I have already related, not a single Indian Commissioner appointed: no Indian evidence was taken. It is therefore hardly to be wondered at, if there is no mention whatever in the Report concerning the exploitation of the East African native by the Europeans. Yet this question should have been taken up first of all by an independent Economic Commission dealing with East Africa.

For one of the tasks that humanity is called upon to accomplish in the present generation is the long neglected duty of affording to the African natives some remission from the continual exploiting of their country, in European interests, which has followed European conquest. In no rhetorical phrase, but in literal fact, the African has only too often been made "a mere hewer of wood and drawer of water." Through three centuries of slavery and through one century of many varied forms of forced labour, the European has made use of his possessions in Africa in order to make money quickly. He has first taken possession of African lands and then employed every effort in order to compel the African to work on those lands for his master's profit.

All this kind of thing was regarded with complacency and even with approval in past generations, when glory was attached to ruthless military conquest and barbaric spoliation. But it cannot possibly be regarded thus to day, after the professions that have been made during the late war, unless (God forbid) we are to go back to those old ideas again. The whole ethics, and underlying principles of "conquests" and "empires" and "possessions" have been changed. The vocabulary of the human race does not stand where it was. We have gained a new outlook. Our perspective now is different.

It is doubtful if, in the long run, the exploiting of Central and South America in the sixteenth and seventeenth centuries, has been more fundamentally destructive of freedom in the countries affected than this

age-long European exploitation of Africa. The events which have taken place on the Belgian Congo; among the Hereros in the South West; in Angola on the Portuguese cocoa plantations and in the recruiting of native labour, far and wide, for the Rand mines,—to mention typical examples from different European races,—have only been the natural sequence of a long series of earlier exploitations which go back to the old slave raiding days.

The conscience of the human race will not endure much longer these wrongs which have been committed by European soldiers and settlers, by European mine owners, and by European trading companies.

I do not for one moment wish to suggest that this is the sole record of European conquest in Africa; that would be a wholly one sided impression. There is a noble record of heroism and self-sacrifice of honest work and devotion to duty, among administrators, missionaries, and many others which has gone far to redeem much that is altogether "of the earth, earthy." There has also been the marvellous application of modern science to the problems of mechanical transport leading to their solution; the opening up of great highways of communication from one end of Africa to the other; the stamping out of the indescribable horrors and devilries of sheer naked savagery; the practical abolition of headhunting and slave-raiding; the combating of disease in forms akin to acutest torture both in man and beast; the lessening of the long drawn agonies of pain by modern surgery, medicine and science; and the all too slow, but still perceptible spread of education raising man above the level of the beast. All this must be taken into account, and much more also which can never be recorded.

I have seen the African in his raw and savage state,—the state wherein cannibalism was practised as a matter of course. I have no illusions, therefore, about the kind of existence which used often to be led before the European intervened.

But, in the same way, I have no illusions about the consequences which follow, when the domestic and tribal life is ruthlessly broken into pieces by unscrupulous recruiting for the purposes of labour. I have seen the effects of such labour recruiting in India itself, and among the Indian labourers who have been induced to go out to the Colonies under the Indenture system. We speak to-day with loathing of the evils of the factory system of labour in England, in the early nineteenth century but historians at some future date are not unlike to speak with equal condemnation of certain forms of labour traffic in our own days.

To show that these evils are not of the past merely, but of the present, a quotation may be given from a writer who states that he has had more than half a generation's intimate experience among the Kikuyu tribes of British East Africa, and has seen, year by year, the deterioration which has taken place. He calls himself by a *nom de plume*, Fulani bin Fulani, contributing his article to the "International Review of Missions." He is not, however, a missionary, but probably if a guess may be ventured, a medical officer, in the service of East Africa Protectorate Government. He writes as follows :—

"There is no surer sign of social disintegration than for the marriage tie to become unstable among the mass of the people. In the mixture of men of different tribes in European employment in British East Africa the customary union is by the month. The African men and women arrange such unions by themselves,—the women receiving clothing food and money (part of which is often sent to her family), and serving her master at bed and board. These unions may last indefinitely for months and years. They do not exist among ordinary temporary labourers. These need their money for the tax. For them there exist an immense class of prostitutes, a totally new feature in African life. But most of the men, who have taken more or less permanently to wage-earning under Europeans, have women of their own. Their industrial life being precarious, their liabilities to their women are correspondingly restricted. They have no wives, as they have no homes. They get their wages at the end of the month, they change their master at the end of the month, to travel for days, perhaps, to other masters, *and so they marry for a month*. These unions have no sanction in native law, or in our own. As is inevitable, children are rare, diseases are common. But such unions are not felt to be disgraceful as by many prostitution is still felt to be. *The system fits the life*. The State may some day awaken to the fact, that it is manufacturing disease faster than any conceivable means of prevention can overtake it."

"And so they marry for a month." "The system fits the life." [I have underlined these two sentences, because the writer, in the remainder of his article, makes it perfectly clear that this corruption which has defiled the very fountain head of African native life, has been caused by the unscrupulous recruiting for the larger European estates, which must, whatever happens, take their full toll of "labour." *The system fits the life*.

Up to the present time, in East Africa, the worst stage of all, that of the great limited liability companies, has not been reached as a whole. There is nothing in British East Africa as yet at all comparable with the wholesale recruiting of native labour for the mining companies on the Rand. The individual owner, who lives upon his own estate, may be expected to take some personal care of the human beings who come directly under his supervision. In his case, there will be little act of kindness here and there. But I have seen too much in different parts of the world, of what happens under the profiteering government of large companies, to have much faith in human kindness under "company" regime. It will be a bad day for the East African native, when land speculation and the demands of modern capital bring the individual farms which now exist into large landed estates, run by directors, in a foreign country, as absentee landlords, with the amount of yearly dividend as their only vital interest. Yet it can hardly be doubted that, as things are now tending, this day is rapidly approaching.

The Europeans have, therefore, first to clear their own character of exploiting the African and keeping him in servitude and making him a mere hewer of wood and drawer of water, and they will find it extremely difficult to do so.

Many of them, such as Major Grogan himself in his book entitled "From the Cape to Cairo," written when he was younger, are frankly outspoken in declaring their aims and objects. "We have stolen," he writes, "the African's lands. Now we must steal his limbs." The same writer looks forward, in the future, to "the division of society into two strata, of which the lower (*i.e.* the African) does the menial work and draws sufficient of the proceeds to meet all the simple wants; while the upper (*i.e.* the European) organises, directs and *takes all the surplus produce*" (the italics are mine). Compulsion is his only weapon. "Short of compulsion," he writes, "direct or indirect, the main mass of Africa's inhabitants will never take part in the development of their country. We can never develop their country without their co-operation, (*sic*) because where negroes are, white men will not do manual work. And the negroes will not disappear, as have savages of other lands."

It would be difficult to express in cruder terms the policy of perpetual subjection of the African native. One may surely demand of Europeans such as these, that they should turn their attention to their own shortcomings in dealing with the African, and judge the Indians by the same standard which they apply to themselves.



While I have thus felt it necessary to bring forward quite plainly and bluntly this claim against the European,—insisting that he should not play the hypocrite by charging others with the very evils of which he is guilty of himself,—I do not wish in any way to shirk the main issue, on the Indian question, which the Commissioners have brought forward. If it could be proved, that, entirely apart from the conduct of the Europeans, Indians also themselves, by occupying posts of vantage, had reduced the Africans to merely servile positions in their own country, then I, for my part, as far as lay in my power, most strongly and strenuously would advise the Indian people, to do their utmost to stop their fellow country-men from going out to East Africa at all. The last thing that I should wish would be, that India should take any share in the general European scramble to get rich at the native African's expense.

But after taking all the pains and care I could, to find out the actual facts, by examining reliable European witnesses, and by obtaining at first hand from Africans themselves (*e. g.* in Uganda) their own opinions about the situation, I have no hesitation in saying that I am confident, that the charge brought forward against the Indian by the Economic Commissioners is substantially unfair. On the evidence which I have received I am convinced that the very opposite is the case. It has become clear to me beyond dispute that the Indians as well as the Europeans have done much to help forward the development of Africa.

I do not wish to imply that the Indian's record, with regard to exploitation, has not been fraught with evil. He has followed the fashion of seeking for large profits, instead of being content with moderate returns. He has often cheated the African mercilessly. But this is entirely different from the charge of the Economic Commissioners, that he has kept the native in servitude, as a "mere hewer of wood and drawer of water." It is that, which, on the evidence, I now regard as entirely unproved.

Put briefly, the situation in East Africa and Central Africa appears to be this. The advance already made in bringing the native forward out of the state of raw savagery (scarcely above the animal level, in a great number of instances) has been due to two causes, which have both been working together. There has been, first of all, the initiative and supervision of the European, whose scientific and practical ability and higher educational training have made him usually take the lead. The European has also had overwhelming force at his disposal, in the face

of which any violence on the part of the savage could easily be held in check. This force has frequently been ruthlessly used, and its ruthlessness should never be condoned or excused. At the same time, it appears to me obvious, after what I have seen, that the interior of Africa could hardly have been opened up without having force in the background at command; and the very fact, that it was there, has put an end to head-hunting, cannibalism, and internecine tribal fighting.

Secondly, the Indian had been, even before the arrival of the European in close contact with the African native along the coast and to a much lesser degree in the interior. He had met the native in trade and barter and had performed in doing so a civilizing work. Since the arrival of the European, the Indian has pressed forward into the interior far more than before, often advancing into malaria-stricken districts where no European could possibly settle. Wherever the Indian has gone, his association with the African has been far more intimate than that of the European. The latter cannot undertake sustained manual labour in the tropics. Therefore, the actual daily apprenticeship of the Africans has been carried forward to a successful issue by the Indian artisans and mechanics. They have trained more African workmen than all the industrial and technical schools put together. Indian traders have also carried forward successfully the same kind of apprenticeship in other necessary directions, initiating the natives into the mysteries of trade and barter and the value of money.

I have been able to obtain the opinions of many of the largest European employers of native labour in East and Central Africa. It was a striking fact to me that nearly every one of them took practically the same general view of the situation as that which I have outlined above. I was told by the men on the spot who were responsible for the work being done, that without the presence of the Indian as a intermediary, such rapid progress would have been absolutely impossible.

These men, with whom I talked, were practical men, not theorists. They had borne the burden and heat of the day, through long years of practical experience, in railway construction, railway workshops, harbour works, municipal works, district administration and in the management of large estates. They told me that, for the most part, their skilled African labourers had been trained by the Indians. They told me also the interesting fact, that, whenever the African native attained efficient skill in manual work, he got the job as a matter of course in preference to

the Indian. The reason was quite simple. The African was always economically cheaper, because there was no expensive passage to and from India to be paid for.

I now give typical instances taken from my notes. While I was passing down the coast of Africa, on board ship, I found the two of my fellow passengers at the same table were European mechanical engineers. I put to them the question, whether East Africa could have progressed so fast in works of railway and other mechanical construction without the Indian. They both answered "No." The present rate of progress, they said, would have been impossible. Furthermore, to exclude the Indian to-day, would be to delay things almost indefinitely. On another occasion, I was asking the manager of large workshop the same question. I mentioned to him the argument derived from West Africa, where no Indians had helped in the development of the country and things had yet gone forward.

"Yes," he said, "it may be that in West Africa they got forward without the Indians. But *how many centuries* did they take to do it ?

I have constantly carried about with me, while on my journeys, a copy of a Final Report of the Economic Commission, and I have shown it to European employers of labour asking them to read the Indian sections. The drafters of these sections would not have felt complimented by some of the remarks that were passed upon their performance.

I have been often told by practical men—and from what I have seen with my own eyes, I can well understand it,—that the one main difficulty, at the present time, is not to exclude the Indians, but rather to get out a sufficient number of Indian artisans, in order to press forward the important work which is being held up for lack of workmen. The one great trouble is, that owing to the reconstruction which has to be undertaken all over the world after the great war, every country, including India, wants its own mechanics and artisans at home and cannot spare them abroad.

"What on earth are these settlers crying for ?" said a manager to me. "It's new roads, new railways,—something new every time. And how do they expect us to get through their work with raw natives ? We want more Indians, not less—that's my opinion."

I gathered also from these same employers of labour that it was absurd to talk about the Indian retarding the native labourer and keeping him in servitude and reducing him to economic stagnation.

"Why?" said one employer to me, "who is going to get the native over the first stage? Will the European take his coat off and teach the native how to handle a saw, or oil a machine or turn a screw? You must always remember that, when we came, the native was a raw savage. He has to be got out of that savage state, and he can only do it by imitation."

I asked specially the question, whether trade jealousy came in among the Indians to prevent the Africans from learning the peculiar secrets of skilled work. I was told that such instances of keeping out the African were very rare indeed. They never finally succeeded. The boycott would break down. The European would step in to prevent it. Besides, no skilled mechanic ever lost his job through teaching another. The demand for skilled workmen went far beyond the supply. It was altogether a mistake in East Africa to think that the amount of work to be done was limited. It was unlimited, because the opening up of the whole country, and of Central Africa also, had only just begun. The Indian artisan, who would do steady and regular work, and had the intelligence to train the native under him, was in great demand and could always earn money.

A somewhat common complaint among the European employers was that the Indian's work was of an inferior quality, and that, since the war it had greatly deteriorated. The Indian was therefore teaching the African to use his tools badly. As this is a technical point, it is of course impossible for me to pronounce any opinion on the subject, but the complaint itself was fairly widespread.

On the other hand, it should be mentioned that some employers have told me that they have had Indian skilled workmen who, for steadiness and cleverness of hand, were the equals of any skilled European.

I was told, also, on good authority, and over a wide area, that the African was able to learn his job more quickly from an Indian than from a European. The reason for this was, that the Indian, though very careless about the way he learnt the language, had a peculiar gift of getting on with the native and making him understand quickly what he wanted to be done. He had also more patience with the native than the European.

There was a considerable amount of evidence given to me by those on whose word I could thoroughly rely, that an immense amount of petty theiving was rife among the African natives, and that the lower classes

among the Indians had often encouraged this and either bought or received the stolen goods. As the police in East Africa are naturally still somewhat new to their work and inefficient, these thefts have been difficult to check. The natives pilfered from the Indian merchants and shopkeepers as well as from Europeans. That the lower classes among the Indians aid and abet these crimes is due in some measure to the wholly unrestricted Indian immigration which has been allowed in the past. Europeans, entering East Africa, have been obliged to produce £50 in cash or securities before landing, and there is a general desire that this security should be made higher. It is clear that some raising of the security for Indian immigration is desirable. The good name of Indian is involved in the class of immigrants who come over.

Certain larger and more general facts came before me for consideration, as I journeyed into the interior or down the African coast. These appear to me, on the whole, to add greatly to the strength of the local evidence which I have already given. I would mention them in order as follow :—

I. The people of Uganda, who are the most intelligent, enlightened and progressive Africans, whom I met on my tour, are already in favour of the retention of Indians in their country. They would have been the very first to cry out against any invasion of their rights and privileges, but they have found out by their own experience that Indians materially help them, and for this reason they wish them to remain.

While I was in Uganda, Sir Apolo Kagwa, the Prince Minister, invited me to be present at a Council of the Ruling Chiefs called the "Dukiko." The President, at my request, put the question whether they desired the Indians to remain in their country. The answer was "Yes."

Before I left Uganda, Sir Apollo Kagwa and the Baganda Chief Justice handed me a document signed by themselves, on behalf of the "Lukiko," stating that the Baganda desired the Indians to remain because they did good to the country. They also wished more Indians to come out.

I shall not forget one incident which occurred during the session of the Council on the Indian question. The Chief Justice, in a very humorous way, spoke one sentence which caused great amusement. I was told by the interpreter that he had said :—

"If the Indians were to leave our country, we should soon have to begin wearing bark-cloth again."

Perhaps the most interesting piece of evidence which I obtained in Uganda was from the young Baganda leaders. These young Bagandas are nationalists to a man. They are intensely eager to keep their country free from all outside interference. They would personally, also, be more likely to come into competition with the Indians than any one else, because they are all English educated. They asked me to meet them apart, without any of their leaders being present, and I readily consented. They understood my own position as one who desired to sympathise with their national aspirations, and it was for this reason that they had invited me to meet them. When we were seated together, I asked them at once, if they wished the Indians to remain in their country. They were quite unanimous in their answer, "Yes" It came spontaneously, and I am certain that it expressed their innermind.

This immediate answer of the young Bagandas was most striking. They were thoughtful men and remarkably intelligent. One of the young Bagandas said to me at the end of my visit, "We shall look more and more to India, in the future, to help us." I believe that his expectation will be realised.

✓II. When I went from British East Africa to Zanzibar, I found there a contented Indian community. It seemed to me, also, that the status of the African native was higher there than anywhere else along the coast. The long Arab occupation of the Island may possibly account for this in part, but I cannot help thinking that the Indians also have been a civilising element.

The relief was very great indeed when I came from the midst of the strained racial relations at Nairobi into the calm and natural social atmosphere at Zanzibar. In Zanzibar there seems to be no racial conflict at all. Life is urbane and peaceful and full of human courtesy, not artificial and clamorous and violently controversial.

On both occasions, while visiting the island, I was fortunate enough to see the Resident and to be able to discuss with him the Indian question. He told me that there was no Indian problem at all in Zanzibar and he hoped there never would be any such problem. The Indians fulfilled their own part in the community, and no one wished to turn them out.

The Resident told me, also, that he had been for over sixteen years in Nyassaland and more than once had acted as Governor. He gave me full permission to state his opinion, that the Indians had played a useful part in Africa by opening up and developing the country through

trade and industry. He had always encouraged their coming, because he had found that they helped the native forward and brought him into touch with the Europeans.

A very simple illustration that he used, remained in my mind and appealed to me. It seemed to be the root of the matter.

"The first element," he said, "of progress, in dealing with the raw savage, is to gain his confidence by means of trade and barter. Here the presence of the Indian is invaluable. The native is not frightened of him, as he is of the European, and the Indian pushes out in the back regions, where no white man could go. The native comes along with a few eggs, a lump of bee's wax and other produce and sits down to bargain with the Indian. They go on bargaining, sometimes for hours,—The European could never stand it!—and at last the native goes away contented with a bit of Manchester cotton cloth, and the Indian takes the eggs to the nearest market. There could not be a better go-between for such a useful purpose of exchange."

I had many other testimonies concerning the way in which the presence of the Indian had helped the Nyassaland Administration. I had planned to go there as well as to Rhodesia in order to see things with my own eyes. But my plans fell through.

III. A third fact, which seemed to me to strengthen the argument in favour of the Indian in East Africa, had been the verdict of the German Royal Commission with regard to what is now called the Tanganyika Territory, and was then called German East Africa. There were no German obligations towards the Indians, as holding any prominent part in their Empire: they were aliens and foreigners. The Commission which came out from Berlin was for economic purposes. It was sent to gather evidence as to the utility, or otherwise, of the Indians in the development of the colonies. The Commission, after a very thorough enquiry, decided in the Indian's favour.

I notice how the East Africa Commissioners suggest that all this was mere camouflage, and that it was really undertaken for political reasons. This seems to me to be a gratuitous supposition. If Indians were desirable for political reasons, the obvious thing would have been to have made no fuss about them, and to let them go on coming to German East Africa as they had done before. The Commission seems rather to point to the scientific thoroughness in their colonial work, which has been acknowledged by leading colonial experts all over the world.

If this is the true explanation, then, as an impartial testimony to the value of Indian settlement, the findings of the Commission are noteworthy.

IV. The Portuguese have had a larger experience on the East Coast of Africa than either the Germans or the British. For at least a hundred years, if not much longer, they have allowed Indians freely to reside in their Mozambique territory, at the different ports of Beira, Mozambique, Lorrenco Marques. Indians have also settled in the interior, where they have been allowed to buy land quite freely.

It has been quite easy for me to find out, on my visit to the different ports, and especially during a somewhat long stay in Beira and on a journey inland, the conditions under which the Indians live in Portuguese East Africa. The Indians have told me, that they have been everywhere welcomed with equal treatment and courtesy and kindness. They speak very highly indeed concerning the freedom under which they live and the absence of racial prejudice among the Portuguese themselves. They receive everywhere gentlemanly treatment.

I went also to call on Portuguese officials, bank managers, merchants and others, and obtained all the evidence that I could from that side. I found it was uniformly favourable to Indians. The Portuguese not only expressed a liking for the Indians as a sober, industrious, law-abiding people, who never gave any trouble; they also stated positively that their presence was valuable to the country and to the African native. In more than one instance the direct answer was given to me. "We could not get on without them."

V. I passed on from Portuguese East Africa to Rhodesia. At Umtali, the border town, I was met by the Indian community. The European Mayor, the Magistrate, and the local bank manager accompanied them, and they expressed to me their satisfaction at having Indians in their township. In the Indian address of welcome, it was stated explicitly, that, in Rhodesia, Indians were treated well and had no grievances to bring forward. The one thing that they most desired was education for their young children. I found not only the Administration, but also individual Europeans, eager to help the Indian community in this direction.

Indians have a free right of entry into Rhodesia on a very simple educational test. No Indian woman accompanied by a relative is



asked to pass any test at all. On enquiring from Indians themselves, I found that this educational test was fairly and impartially administered; and it speaks well for the immigration office staff, that no single complaint of unfairness was brought before me.

In accordance with Cecil Rhodes' maxim of "the franchise for every civilised man," the vote has been given to those Indians who have reached a certain standard.

I had many opportunities of meeting my fellow country-men in Rhodesia and of discussing frankly the Indian question with them. It was a very great pleasure to find that the Indians were welcomed and that there was no movement on foot for their restriction. Every one seemed quite satisfied with the present arrangement, which goes back, in its origin, I was told, to Cecil Rhodes himself and to the following out of principles he laid down concerning the rights of citizenship, from the Cape to the Zambesi River.

What was of even more importance to notice than the legal status was the kindly feeling between the European and Indian communities. From the Administrator downwards, it appeared to me that there was a general desire to make the Indian a welcome citizen. The Indians, as might have been expected, have at once responded to the amenities. In every address that was presented to me, they emphasised the fact that they were well treated and had no grievances to bring forward.

VI. The difference from this attitude on reaching the Transvaal was very marked. The racial antagonism has come there to a head. The Transvaal to-day is the storm centre of the Indian question in South Africa.

From the point of view of the present enquiry it is not necessary to discuss fully the Transvaal situation, but one fact is worthy of careful notice. The economic argument, which is used against the Indian, in the Transvaal and South Africa generally, is not the same as that which is used by the Economic Commissioners in East Africa. In the Transvaal, the argument has been that the Indian competes with and takes away the trade from the European. In East Africa the argument has been that the Indian competes with and keeps in servitude the African. The point is so important, that it may be worth while to quote the passage from the East African Commission Report. "Even in the minor spheres (of trade)," the Report runs, "the European if the Indian would

submit to the civil, moral and commercial obligations, common in European society *has nothing to fear from Indian competition*—the contrary theory, which formerly found favour in local Government circles, *having been completely exploded by the history of the last thirteen years.*”

Thus the ground on which the hostile party in the Transvaal base their economic argument against the Indian is repudiated in East Africa and *vice versa*.

VII. No one can pass through the Orange Free State and then come into Natal without noting at once the difference in cultivation. It may be rightly argued that the Boer administration in the Free State is more backward and the soil in part less fertile. But making allowance for both these differences credit must be given to the fact that Natal had Indian cultivators and artisans all these past sixty years and the Orange Free State has had none.

What is of even more importance to this argument,—it can be shown that in Natal where there is a greater number of Indians than in any other part of Africa, the progress of the African natives had been more rapid than in the Free State. So far has the African been removed from economic servitude, that his wages have risen much higher in Natal than in the Orange Free State where there are no Indians at all. So far is the African in Natal to-day from the position of a “mere hewer of wood and drawer of water” to the Indian, that he has actually surpassed the Indian in the average of the monthly wage; and the African’s wages are rising while the Indians’ wages are declining. I am taking count of the latest statistics from the Official Year Book of the South African Union, published by the Director of Statistics.

VIII. I have seen the treatment of the African native in the Orange Free State. I believe I am right in saying that the African of the Free State has no right to own land and no civil status at all. He must belong to one of the European masters who have taken possession of all the soil. If ever there existed a class of people who, by their very principles and traditions, were determined to keep the African in servitude, the back-veldt Boers of South Africa are such. Their religion itself appears to sanction this attitude. Yet these very back-veldt farmers were given special privileges for settlement in East Africa and were allowed to hold land in the upland areas which has been withheld from Indians. The Europeans in East Africa know perfectly well the principles and traditions of these Boer settlers. Why, then, was there no protest against their admission, if it was sincerely desired to protect the African native?

IX. In the Cape Colony for many years past, Indians, along with "coloured" people and African natives, have been allowed the franchise on the two qualifications of (i) having property valued at £75 and (ii) being sufficiently literate to sign their names and write their addresses and occupations in English.

It was of great interest to me in the Cape Colony to find how entirely the Indian question has passed into the background. This is in a very great measure due to the rights of citizenship having been granted. The number of Indians is not large. They are contented with their present position and desire no alteration. With regard to the African natives, there has been no economic depression of any kind which can be traced to the presence of the Indians. Depression has come entirely from the European trades' unions, which still insist on certain classes of skilled work (which the Africans are quite capable of doing), being reserved for the European workmen. The African native is artificially prevented by the strictest trades' union rules of the "colour bar," from rising in his trade. Every effort has been made by liberal statesmen and by liberal labour leaders, to break that colour bar, but without avail.

I will give one instance, which was vouched for— there are probably hundreds of a similar nature. A certain type of blasting in the mines has been reserved for European workmen. But the European is allowed to employ a Kaffir, on a mere pittance, to do the actual work, while he looks on and directs and draws a high monthly wage. This insistence on the colour bar reduces the intelligent and highly skilled African workman to economic servitude.

There was one striking fact, which told in a positive direction in favour of the Indians. Dr. Abdur Rahman, a leading member of the Asiatic community, has done more than any person in South Africa to uphold the cause of the African natives, and to raise their social and political status. He has represented them for many years in the Cape Provincial Parliament and Council, and, if ever the racial barrier is removed from the South African Union Parliament, he will be the first to represent them there also. The native and coloured population at the Cape trust him more than any living man, and he has been their champion all his life. This fact will be difficult to fit in with the theory of the Economic Commissioners, that Indians retard the progress of the African native and keep them in an economic servitude as mere hewers of wood and drawers of water.

I have now gone through, at length, the different heads of evidence which I have gathered while travelling up and down Africa. Looking back over the whole field, there is very little indeed that bears out the contention of the East African Commissioners against the Indians. On the other hand, there appears to me overwhelming evidence which tells in the Indians' favour.

The longer I have studied the main question on a wide scale, the more clearly I have seen that there is a fundamental fallacy underlying the whole position of the East African Commissioners. It is the same as the fallacy that sometimes obsesses the working man both in Europe and Australia, where he thinks that the amount of work to be done is limited and that there is only just enough to go round. The working man does not see, that new work is always being created, and that work done leads on to other work. Similarly the Economic Commissioners in East Africa seem to regard the whole amount of skilled work in the country as strictly limited. They appear to assume that every Indian occupying a skilled post is keeping an African out. But the truth of the matter is the reverse. Since the work to be done in East Africa is practically unlimited, each new piece of work done opens up much more work that cries out for workers. New work, new posts, come as it were, tumbling over one another, each asking for more workers.

A mere handful of Indians (to quote the Economic Commissioners' own figures) in a country almost entirely undeveloped and of enormous area, cannot possibly fill up every vacancy. Wherever one Indian is doing skilled work, many African natives are bound to be employed as assistants. Out of these assistants, who have watched the Indian at work, there are certain to be some who are more handy with their tools than others. These Africans will be put on to do higher grades of work, as soon as they are ready for it, and everything will be done to advance them, because they are economically cheaper. By the very nature and character of his work and occupation in East Africa, the Indian cannot be exclusive or restrictive. He cannot keep the African out, even if he wished to do so.

If indeed it could be proved that the yearly Indian immigration into East Africa was overwhelming in numbers, if it could be proved that all the new posts (as they became vacant) were filled up with new Indian recruits from India, and no room was left for the skilled African; if it could be proved that the African labourer, working side by side with

the Indian as an assistant, did not make progress, then there might be good reason to accept the economic argument of the Commissioners against the Indians.

But as we have seen, over and over again, not one of these points can be proved. Instead of Indians swarming into Africa, more Indians have been going out recently than those coming in, the Indian population is declining. Instead of their being no room left for the skilled African workmen, such skilled Africans are being taken on to higher jobs, for economic reasons, as quickly as possible; instead of the African not making progress, under the apprenticeship of the Indian, he has been advancing with extraordinary rapidity.

This then appears to be the conclusion of the matter. The comparatively small number of Indians, who have gone out to East Africa, have, for the most part, done useful necessary work. They have never as yet emigrated in such numbers as to swamp the progress of the African native. Their presence, if the country is to advance, is still urgently required.

## THE KENYA EUROPEANS' RESOLUTION.

The resolution passed by the Convention of Associations on February 26, 1923, moved by Lord Delamere was:

"That this Convention representing the entire European community in Kenya Colony solemnly affirms its unswerving loyalty to His Majesty the King and its determination to uphold his Empire.

"But in view of the proposals of His Majesty's Government relating to the Indian franchise in Kenya, this Convention feels it to be its bounden duty to place on record that if in consequence of the ill considered advice of His Majesty's Ministers his loyal subjects should be forced into action prejudicial to His Majesty's peace and abhorrent and ruinous to themselves, then the full responsibility for such a calamity must rest upon those advisers who, in their ignorance of or indifference to the true issues involved, shall have advised His Majesty to sanction a policy disastrous to the future of white colonization in Africa and to the welfare of millions of His Majesty's African subjects; and which this Convention believes to be calculated ultimately to endanger the integrity of the British Empire."

## THE KENYA INDIANS' RESOLUTION.

*Nairobi, March 11, 1923.*

At a mass meeting of Indians, a resolution was passed pressing for complete equality and it was decided to send a delegation to London and India. The former delegation will include a representative from Uganda. The Indian leaders have departed from the acceptance of Mr. Churchill's terms because they are "unreasoning terms" and because of the "unreasoning attitude of the Europeans and their references to direct action."

The London delegation will ask equality in every respect. The change of policy includes demands for universal franchise and the rejection of the ten per cent. suggestion contained in the Colonial Office proposals, as well as opposition to segregation and immigration restrictions. They declare that if the European delegation shows signs of compromise the Indians will agree to reform with the present Colonial Office proposals as the basis of a temporary settlement, say for a period of five years, until Indians have proved their worth, after which they contemplate asking for an extension.

(1) THE RESOLUTION OF THE INDIAN  
LEGISLATIVE ASSEMBLY.

*(Extracts from the proceedings of the Legislative Assembly)*

*Delhi, 22nd February, 1923.*

The Assembly discussed a resolution moved by Rai Bahadur Girish Chander Nag and slightly amended by Khan Bahadur Sarfraz Hussain Khan and Sirdar Gulam Singh. The amended resolution ran as follows :—

“That the Governor-General-in-Council be pleased to convey by telegraphic message to His Majesty’s Government the view of the Assembly that no settlement regarding the political rights and status of Indian settlers in the Crown Colony of Kenya would satisfy the people of India unless Indians in Kenya are granted full and equal rights of citizenship with European settlers.”

“And this Assembly records its indignant protest at the reported threats of violence on the part of the latter and directly trusts that His Majesty’s Government will take effective steps to prevent any such outbreak and to afford them the necessary protection.”

The mover referred to recent report of threats of violence by white settlers against Indians in the Colony. Acuteness of the position could be gauged, he said, by several protest meetings held in the Colony and the strongly-worded resolutions passed at them.

Sir Deva Prasad Sarbadhikari said that the Assembly must strengthen the hands of the Government of India in their endeavours to remove the galling distinctions that existed between the position of Indians and white settlers.

Dr. Gour characterised the position of Indian settlers as that of helots and appealed to Government to carry out the resolution passed at the Imperial Conference by conferring on Indian settlers the indubitable rights of British citizenship.

Mr. Jamnadas Dwarkadas, supporting the resolution, said that the claim of Indian settlers in Kenya had been recognised in the resolution passed by the Imperial Conference in 1918 and going back on that resolution would be detrimental to the Empire.

Dr. Nand Lal said that the most important duty of Government was to see that there was contentment and piece among their subjects of whatever race.

Hon. Mr. Sarma in accepting the resolution on behalf of Government reiterated their policy of standing up for full rights of citizenship. Negotiations had been proceeding between the Colonial Office and the India Office in the matter, and Hon. Mr. Sarma hoped that the agreement which had been reached would be satisfactory to all parties concerned. He hoped that the House would not act upon the reported threats of violence or take serious notice of any temporary excitement which might have been caused when the hopes entertained in particular quarters were disappointed. The Government of India saw nothing to justify any real apprehension on the part of reasonable persons as to the attitude of Europeans towards their Indian fellow-subject in the Colony. No responsible Britisher and no responsible Association of Britishers, would ever have contemplated any act of violence against the Indian community. It might be that a few individuals might have here and there expressed themselves in language calculated to convey the impression that they would not stand by the position that might have been reached by His Majesty's Government.

The resolution was carried *nem con.*

## 2. THE RESOLUTION OF THE COUNCIL OF STATE.

*Delhi, March 6, 1923.*

"This Council recommends to the Governor-General-in-Council that he be pleased to convey by telegraphic message to His Majesty's Government the view of this Council that no settlement regarding the political rights and status of Indian settlers in the Crown Colony of Kenya would satisfy the people of India unless Indians in Kenya are granted full and equal rights of citizenship with European settlers, and this Council records its indignant protest at the reported threats of violence on the part of the latter and fully trusts that His Majesty's Government will take effective steps to prevent any such outbreak and to afford Indian residents the necessary protection and this Council records its emphatic conviction that no restrictions on new immigration from India will be acceptable to the public opinion here."



The Rt. Hon. Srinivasa Sastri in moving the above resolution on March 5 said, the Imperial Conference resolution recognising the right to determine the composition of the population related only to self-governing Dominions of the Empire. The case for a Crown Colony like Kenya rested on grounds of equality and this equality the Indians in Kenya claimed only by stages. In the first place they did not ask for universal suffrage nor that the Legislative Council of Kenya should be composed of Indians according to their numerical strength. They were content if the number of Indians was less than half. Thus they only wanted a very partial fulfilment of the rights of equality and yet there was a good deal of agitation by European settlers who had imbibed the spirit that prevailed in South Africa, namely, no equality for Indians and expulsion of Indians if possible and what more a Union of East Africa with South Africa and when they threatened violence in case the equality was granted, they were not merely bluffing but were earnest. "Our people (Indians) whether in India or abroad have shown such humility and modesty, such respect for law and order, such patience even under the greatest provocation, that what an American lady told me recently is perfectly true, namely that "we Indians are the only Christians on the face of the earth."

As regards the immigration restrictions, Mr. Sastri urged Government to press strongly for removal of all restrictions because if they lost their just cause in Kenya they would be losing all along the line and the self-governing Dominions might be encouraged to deny the privileges they had promised to give to Indians. Kenya was not a white colony as Mr. Winston Churchill appeared to think. Let Government of India press upon the Home Government the necessity of giving equality to Indians. If not, there would be very few friends left in India to feel for the cause of Britain and in the eyes of the world she would be generally condemned as having fallen a prey to moral decay.

Mr. Lallubhai Samaldas urged the Government of India not to be cowed down by threats of violence by the white settlers. What Indians wanted was that Kenya, Uganda or the mandated territory of Tanganyika should not be turned into a pure white colony.

Mr. A. Chetty suggested the sending of a deputation to the Crown Colony of Kenya.

Mr. Phiroze Sethna in supporting the resolution disputed the claim of the European settlers for special privileges in the matter of colonisation.

Sir Umar Hyat Khan also supported the resolution.

Hon. Mr. Sarma re-affirmed the declaration of Lord Chelmsford that there was no justification for a Crown Colony or Protectorate for assigning to British Indians a status in any way inferior to that of any other class of His Majesty's subjects. He admitted that the situation caused food for serious thought but at the same time he refused to believe that any body of the Britishers would really mean to assault or in any way injure a defenceless unarmed body of Indians in Kenya whatever might have been the provocation that was offered. He assured the Hon. members that the Central Government would always assert its authority and would refuse to be cowed down by any section. With regard to immigration restrictions, he quoted Lord Milner to show that there was no intention on the part of the Colonial Office to impose any restrictions which might be calculated to effectually prevent the outflow of any population from India subject to the usual safeguard which every Colony must impose upon the people of another country.

Proceeding Hon. Mr. Sarma said: "We have no information that the Colonial Office has invited the Governor and the white settlers to England but the Government of India fully appreciated the strength of Indian feeling both in Kenya and in this country, that if the British settlers are to go to represent their case the Indians in Kenya also should have an equal chance. We propose to press this matter upon the attention of the Secretary of State and see that the Indians are given equality as their British brethren. I have no doubt that the Colonial Office would not depart from the policy of fairness to all."

The resolution was then put to vote and carried.

### ✓ THE TERMS OF SETTLEMENT.

✓ February 27, 1923.

✓ The following is a fuller version of the proposals of the Colonial Office.

Common electoral roll for all British subjects and protected persons possessing qualifications to be afterwards prescribed and of twenty-one years of age. Either the complete census or a test census to be taken with a view to determining a method of adjusting the qualifications which will result approximately in the ten per cent. of the Indian electorate. It might be necessary to adopt the alternative property or educational qualification in order to obtain the required ten per cent. instead of the combined qualification. But should the census show that in order to

obtain the ten per cent. qualification the standard would obviously be unreasonably low, reasonable standards will be laid down irrespective of the resulting percentage. The qualification to be fixed in time to enable arrangement to be made for the Indian electorate to vote at the general election in March next. All European voters, whether possessing the new qualifications or not, that are now on the register will be admitted to the new register. But all applicants for registration whether Europeans or Indian not registered under the Legislative Council Ordinance of 1919 will be required to possess these qualifications. The majority of the official members will be retained.

Alternative proposals are :—

Eleven elected members representing seven constituencies, three returning one member and four returning two members. In the former, European candidates only are qualified for election. In the latter, one European seat and one Indian seat *i.e.*, giving seven European members to four Indians. The suggestion has been put forward that there should be twelve elected members representing four constituencies, each to return three members (or three returning three and one returning two). One seat in every constituency to be Indian and the rest to be European making eight European members to four Indians.

It is agreed that the Indians in Municipalities must be given adequate representation on an elective basis where such representation exists already for Europeans. Detailed arrangement cannot, however, be settled until the despatch which is expected from the Governor is received.

The existing constitution provides for the appointment to the Executive Council of such persons of the unofficial community as the Governor may from time to time appoint. There is now one unofficial Indian member under this provision and it should be understood that that arrangement will continue. By deciding upon the fitness of persons for membership no distinction will be made between Europeans and Indians.

There should be no commercial or residential segregation on racial lines but the Colonial Government or Municipal authorities should be empowered to impose building, sanitary and police regulations at their discretion subject to their containing no racial discrimination as such. An announcement will be made that in existing circumstances no change in the present regulations on immigration is contemplated.

As regards highlands, the Colonial Office is not prepared for any change in the existing law and practice.

*Nairobi, February 27, 1923.*

Sir Robert Coryndon, the Governor of Kenya, in opening the European Convention, disclosed confidentially certain new proposals which will ease the situation somewhat from the European standpoint. He announced his intention to proceed to London at the earliest possible date accompanied by several European representatives selected by the Convention in order to discuss details with the Duke of Devonshire.

This step has reopened the door to a peaceful settlement of the present difficulties. The Convention has given assurances that it will do everything possible to prevent direct action during the negotiations in London, but has reserved for itself freedom of action should the negotiations fail.

The Convention adopted an impressive resolution declaring its loyalty to the King, but added that if they were forced "into action prejudicial to the peace and abhorrent and ruinous to themselves" the responsibility would rest on those who ignorantly and indifferently advised a policy disastrous to white colonization.

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*London, March 5th, 1923.*

In the House of Commons in reply to Sir Thomas Bennet, Major Ormsby-Gore said that he considered that at present it was not advisable to state the terms of settlement confidentially submitted by the Governor of Kenya to the European Convention and the public of Nairobi. The Governor was expected in England in May to discuss the matter pending which it was not intended to act in regard to immigration or the amendment of the constitution.

The Governor should be accompanied by two Settlers' representatives, one unofficial member of the Executive Council and probably one missionary. It was understood that Indians were sending one or two members of the deputation.

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*Nairobi, January 12, 1923.*

An important dispatch has been received on the Indian question. I understand that the tenor of the proposals is strongly in favour of the

contentions of the Indians. Sir R. Coryndon is instructed that the terms must be regarded as only subject to minor adjustments, but he has decided to submit the dispatch to the Executive Council.

I learn further that Sir R. Coryndon has advised the Duke of Devonshire (Secretary of State for the Colonies) that he is unwilling to carry out the terms of the settlement, and asks permission to publish them. The country is in a state of suppressed excitement. The "Standard," in an article headed "Be Prepared," and based on vague reports of the unsuitability of the terms, says that Europeans must at any cost preserve the country in which are their homes and families for European settlement.

There is a possibility of a delay in holding the elections, pending consideration of the proposals, unless the Colonial Office proves obdurate.

*January 30, 1923.*

Lord Delamere's statement on the 'Indians in Kenya' at Caledonian dinner at Nakuru :—

But we want time free from political alarms and excursions to re-organise in. Above all we want to be freed from the Indian question which has been hanging over our heads. Sir Frederick Lugard, one of the founders of British East Africa, has suggested that British Guiana wants Indians and that a compromise should be arrived at by which they should settle there. I read in the paper yesterday that British Honduras wants Indians. / We have said from the first that we do not require them here and that we are convinced that nothing but trouble in the future can arise from their immigration in numbers into Africa or the Government of Africans. Let the Imperial Government explore the policy of allowing them to settle in countries where the same objections do not exist as in Africa and leave Africa free to work out its future without complications brought about by the intrusion of any form of Asiatic civilisation. Before I close I should like to say how pleased, I am sure, you all are at the arrival of the South African Trade Commission in this country. It will bring us into closer touch with the Union of South Africa, the only unit in Africa, which is consolidating a civilisation on Western lines.

*January 31, 1923.*

An Ordinance has been passed by the Legislative Council of Kenya which defines the powers possessed by Government of deportation of dangerous persons guilty of actions likely to cause disaffection between races etc. The measure modernises powers held under an Order in Council dated twenty years ago and makes important changes in procedure. Under the old law the sole decision lay with the Governor, but under the new Bill the evidence will be considered in secret by a Judge of the High Court who will order the arrest of the suspect and, if necessary, will recommend deportation to the Governor-in-Council with whom the decision lies. A report on each case must be made to the Secretary of State for the Colonies. In consequence of pressure from unofficial members, a new clause was inserted providing opportunity to the accused to make a statement on his own behalf.

The Indian members considered that the Bill had not been considered sufficiently and pressed for powers of investigation being given to the Judge, together with fuller opportunities for the bringing of evidence by the accused. They stated that their community had nothing to fear from the operation of the Bill.

*Poona, January 31, 1923.*

At the meeting of the Council of the Deccan Sabha held last evening, when resolutions were passed calling the attention of the Government of India to the seriousness of the situation in Kenya, and requesting them to keep themselves in close touch with the developments in the Kenya situation and reassure the public mind by the issue of official *communiqués* furnishing authoritative information.

*February 1, 1923.*

The following telegram was sent to His Excellency the Viceroy by the British Indian Colonial Merchants' Association, Bombay, in connection with the situation in Kenya:—

“The Committee of the British Indian Colonial Merchants' Association, Bombay, support the telegrams of the Indians Overseas Association and the Imperial Indian Citizenship Association regarding the situation in Kenya. The attempt to oppose the decision of the Imperial Government by threats of violence is not only a menace to the solidarity of the Empire

and weakens its integrity but it calls forth the Government of India, as well as the whole Empire, in the first instance to take measures to root out such an attempt. The Indian merchants trust that the Government of India will not fail to insist upon the same being done and will thus alleviate the excitement and consequential disastrous effects on the Indian mind and establish confidence before it is too late."

*Extracts from the proceedings of the Kenya Legislative Council reported in the East African Standard, February 10, 1923.*

The Legislative Council considered yesterday the Bill to prolong the life of the present Council. An unusual amount of public interest was taken in the debates.

(i) The Clerk to Council read the certificate of emergency signed by His Excellency yesterday making provision for the introduction of the Bill postponing the elections and extending the existing Council for a year.

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#### CERTIFICATE OF EMERGENCY.

Whereas Section 14 of the Legislative Council Ordinance, 1919, provides that elections shall be held at regular periods of three years after the date of the first election.

And whereas the first election was held on the 21st day of February, 1920.

And whereas owing to the delay in the settlement of the whole Indian problem and particularly that of Indian representation, the Secretary of State has been compelled to choose between the dissolution of the new Council after election and the prolongation of the life of the present Council.

And whereas it had been intended ever since Mr. Churchills' original attempt to reach a settlement acceptable to both parties that the new constitution should be framed in time for it to be put into operation at the general election now due.

And whereas the Secretary of State has decided that the life of the present Council shall therefore be prolonged.

And whereas it is therefore necessary that the provisions of the Legislative Council Ordinance, 1919, be amended accordingly.

Now, therefore, I hereby declare that an emergency exist and that it is necessary that the Standing Rules and Orders be suspended in order that a Bill entitled an Ordinance to extend the existing Legislative Council of the Colony and Protectorate of Kenya to a date not later than the 21st February, 1924, may be introduced and passed through its several stages without due notice.

(Sd). R. T. CORYNDON,

*Nairobi, 8th February, 1923.*

*Governor.*

The Colonial Secretary moved suspension of Standing Orders and the Attorney-General seconded.

Lord Delamere rose to oppose the motion and declared that he was not convinced any case of emergency had been made out.

The motion was carried by 17 votes to 10, the elected members solid minority.

(a) The Colonial Secretary thereafter moved the first reading. He said it had been the intention of the late Secretary of State for the Colonies to secure a settlement of the constitutional question during the rule of the existing Council but owing to the great difficulty in arriving at a settlement satisfactory to all concerned both here and at home, it had not been found possible to do so and for that reason the Secretary of State was compelled to consider whether it would be better to allow the elections to be held on the original date or continue the existing Council in order that fresh measures might be put through, which might be necessary if the constitution was changed. It was obvious, continued Sir Charles, that the Secretary of State for the Colonies could not consider his own view only. As everyone was aware, the question of Indian rights to franchise in the Colonies and in Kenya particularly, was one of burning interest in India at the present time and in arriving at the decision, the Secretary of State for the Colonies had been obliged to take account that feeling in India and the effects which would arise if the Council was elected, ostensibly to carry on for a further three years, although it was true that the Governor had the power to dissolve the Council at any time.



He was personally in favour of seeing the elections take place on February 20 for the reason especially that the voters' roll had been considerably increased from the time the last election took place. Still, it having been decided by the Secretary of State for the Colonies after taking into account the various interests, that the best course to adopt in the interest of all parties concerned was to prolong the life of the present Council, he hoped the Bill would not meet with any undue opposition although he was not very confident on the point. He added that in order to give the Council power to pass the Bill, His Majesty by sign manual on February 5 had amended the Royal Instructions.

The Attorney-General seconded and the first reading was passed.

(b) The Colonial Secretary thereafter moved the second reading.

Lord Delamere declared himself in opposition. He said that so far as his community regarded the matter they looked upon it as a wanton and provocative action on the part of the Secretary of State ("Hear, hear" from the elected members). He continued that no object had been shown and if it was not to take away from the European community some of their present representation there was no object in taking the action at all (hear, hear). He submitted that it was a terribly serious question and doubted whether such an act had ever been done before by a Secretary of State in colonial history. It simply was that the Secretary of State for reasons which appeared quite inadequate had decided by arbitrary act and by advising the Crown to alter the constitution of Kenya regardless of the wishes of the electors. By the written law the advisers of His Majesty had the right and power, continued Lord Delamere, to make an alteration but he submitted there was something much further and much deeper of importance to the British Empire—the unwritten constitution on which every Englishman stood and always would stand.

Continuing, Lord Delamere instanced the Turf Club and the Jockey Club at Home as an instance of a body with very extensive powers but dependent on the goodwill of those who supported it, powers that did not give to the stewards the privilege of taking any action they liked but only in accordance with the customs, habits and precedents of the Turf would their decisions be final. He contended that in the same way the constitution of England did not give anybody the right, by precedent, to take away the constitution already given to a people.

He repeated that he considered it a wanton and provocative act on the part of the Secretary of State, unwarranted by precedent and illegal although it could be carried out by the written law made for another purpose.

"It is simply direct action on the part of the Secretary of State and there is no doubt that direct action invariably breeds direct action," said His Lordship amid murmurs of approval from the elected members. He continued that although British colonists all over the world had always been loyal and law-abiding they had always reserved to themselves the right of resistance if their rights were overridden. "I think this Bill gives to the people of this country an example in direct action which they may follow."

"I do appeal to those on the other side of the House to stand by their consciences. If they believe that this alteration of the constitution is an arbitrary act that is really not justified, that it will make another precedent for arbitrary ruling by the Colonial Office without observing the rights of the subjects, then I do beg of you to vote against this measure," he said. In a further reference he recounted how the Indian Government had attempted to bring in a Bill to allow Indian juries to try Europeans and the civil and military members of the Government had refused to support it, the Bill had been thrown out and no disciplinary action had followed.

"It has been said that this is a small thing to put off the elections," he concluded, "but it is being done by *force majeure* against the wishes of the electors of this country and in my opinion in defiance of the unwritten constitution of England which lays down that if any rights are given to a people these rights must not be taken from them." (Hear, hear).

Capt. Coney also entered his protest, most emphatically, against the action of the Secretary of State for the Colonies and on behalf of those he represented he would resist the Bill. This was the action of one who said he would trust the man on the spot and of a Government desiring tranquility and this was how they got it. He considered that the Imperial Government could not have done a more serious thing and he really believed they would have cause to regret it. He believed that any genuine desire for a settlement of the Indian question would be prejudiced by the act and he could not see how they could, in future, trust the Secretary of State. "If the Secretary of State wanted a settle-

ment this was the very worst thing he could have done," said Capt. Coney. "It is keenly resented by every elector in the country and I feel it my duty to warn the Government that the consequences of this action they must take entirely upon themselves." (Hear, hear).

Mr. B. S. Varma supported the Bill and on behalf of his community expressed gratitude to the Secretary of State for the Colonies for his action in protecting the interests of natives and Indians in the Colony. In the present circumstances he considered it absolutely imperative that the Secretary of State should intervene in order to protect those interests and his community was grateful for that intervention—a very tardy and overdue act of justice to the Indians. He submitted that unless the British Government was able to force the policy they wanted upon the settlers, Britain would be unable to prove to the world that she could rule. He also appealed to the official members to support the Bill in the interests of the solidarity of the Empire.

He disagreed with the point raised by Lord Delamere that the India Office was dictating to the Colonial Office, but the former was simply protecting the rights of Indians in the Colonies.

The time had gone, when Indians, who were members of the British Empire could be deprived of their rights.

Mr. Conway Harvey said, he most emphatically questioned the right of Mr. Varma to speak as the chosen representative of the natives. The native was not in the slightest degree dissatisfied with the Government of the country. In fact there was evidence to the contrary.

Capt. H. F. Ward said, the European community had been definitely given to understand that there would be no settlement of the question unless it was by the agreement of the European community. This Bill was a direct negative to that understanding.

He asked His Excellency whether the debate could be adjourned in order that pressure might be put on the Secretary of State to the effect that this assurance had been given direct by Ministers of the Crown.

His Excellency, in reply, said he questioned whether Capt. Ward's deductions were correct, as to whether any other measure was to be forced through. There was nothing to show why the settlement of the Indian question should not be by agreement.

He was anxious to do anything to facilitate or expedite a settlement, but he did not think any purpose could be served by adjourning this debate. The issue at present was the prolongation of the life of Council.

Lord Delamere interposed that if a settlement was reached by agreement, the Council could pass any alteration in its constitution, and this could be done by the new Council. If there was no agreement everything fell to the ground.

His Excellency replied that the prolongation of the life of the Council did not violate Lord Delamere's principle. He would however like time to turn the matter over in his mind.

Mr. Shams-ud-Deen said, the Indian Question had nothing to do with the Bill before the House. The elected members' difficulty was based on the fact that this was a Crown Colony and they wanted to assume the rights of a self governing Dominion.

He denied that any assurances had been given by Ministers, as suggested by Capt. Ward. The only statement made was one by Mr. Winston Churchill at the E. A. Dinner when he stated that the standard of qualification of voters should be decided locally. Europeans should recognise that there were other communities in the country and they must be recognised. The Europeans had very large interests here but the real people of the country were the natives and they were being admirably looked after by the present Government majority.

He maintained that there should be moderation by Europeans. The whole question should be a matter of co-operation and instead of depriving British subjects of their rights, they should work together.

He took strong objection to the suggestion of open revolt against the decision of His Majesty's Government. To say that they should be met by direct action was nothing short of open revolt against His Majesty. An attempt had been made to incite officials not to vote in favour of the Bill.

Mr. Conway Harvey objected to this remark as imputing unjust motives.

His Excellency said the word "appeal" would be better than "incite."

Mr. Shams-ud-Deen accepted this and said the only way for the official to vote according to his conscience was to be loyal to His Majesty.

Mr. Evans briefly stated that he agreed with Mr. Shams-ud-Deen in a good many of his remarks and hoped with him, that the question would be settled without prejudice but it would not be done by methods such as this Bill. He also agreed that what made the settlement so difficult was the other races.

The question was then put to the vote and the second reading of the Bill was agreed by 16 votes to 10, the minority being exclusively European elected members.

The Bill was then put through its committee stage, the elected members formally voting against all its clauses.

(ii) After completing the Order of the Day in the afternoon, the Colonial Secretary made the following statement :—

“In regard to the future progress of this session. His Excellency has asked me to announce that as the result of this morning's discussion it is proposed to represent to the Secretary of State for the Colonies the views expressed and the reasons for these views and, until a reply has been received, it is not proposed to take the third reading of the Bill to prolong the life of the present Council. The Council will adjourn this session *sine die*.

Immediately His Excellency receives a reply from the Secretary of State a special meeting will be held to pass the third reading if insisted upon. If not insisted upon the Bill will remain at the second reading and die with the Council on February 20.”

FROM “THE AMRITA BAZAR PATRIKA ”

16th February, 1923.

The white settlers in Kenya Colony have been doing their level best to get rid of the Indian element. Their motives are obvious, but it appears that they can play the hypocrite to perfection, as the following extract from “The East African Standard” will show:

“In any case, the idea of turning East Africa into an Asiatic Colony is a vitally wrong step to propose. Why should we condemn ten million Africans to extinction? Introduce the Asiatic, remove the European, and in a very short space of time, in terms of generations, the African will be as extinct as the dodo. Only by the train-

ing and example, and beliefs, of the very highest kind of civilization, can a native aboriginal race be saved from the slow and gradual process of elimination, when brought into contact with civilization. It is unthinkable that Kenya should be bought and sold as a pawn to India. The white race accepted the trusteeship for the Natives of Africa. No Government has a right to barter the birthright, the future health, the welfare, and the spiritual and moral life of a people for a mess of pottage, however urgently it may be preferred by a suitable and far-seeing Indian Government. Indians suggest that our attitude on this point is dictated purely by selfish motives. Some selfishness there may be. But underlying surface froth, there is something stronger, and deeper, and better. This has been exemplified times out of number in all parts of the world. Else had our Empire crumbled long ago. Those who have not discovered that fact have not dug deep enough. With all our surface follies and lightness, we yet hold Africa as a trust which we refuse to share with Asiatics, because we know it would be wrong to do so." The Europeans are in Africa that poor Negroes may not be doomed to extinction by the Asiatics! What next, we wonder.

#### THROUGH REUTER'S AGENCY.

Nairobi, February 16.—In accordance with the order of the Secretary of State for the Colonies the local Legislative Council meets on February 19th, to consider the third reading of the Bill to prolong the life of the existing Council, which is due to expire on February 20, in order that new elections may be held after the Indian question has been settled. Speculation is rife with regard to the possible attitude of the elected members when the Bill is passed.

It is understood that the Governor has received a cable from the Duke of Devonshire stating in passing that the terms regarding the Indian question agreed to by Mr. Churchill and the Secretary of State for India which were at present the subject of the negotiations included the tightening of the Indian Immigration to Kenya on educational and property tests. The atmosphere is still electrical and the situation is such that anything might happen in course of a few days.

"THE LEADER." *February, 21st, 1923.*

*(From the London Correspondent.)*

The *Times'* correspondent at Nairobi states that the settlement proposals, which are dated last September, were brought to the Colony by Sir Robert Coryndon, and that they emanated from Mr. Churchill. As a matter of fact, I have the best reason to believe that they resulted from Conferences between Mr. Edward Wood, M. P., on behalf of the Colonial Office, and Lord Winterton. They were subsequently confirmed doubtless on Mr. Ormsby Gore's recommendation, by the Duke of Devonshire. Between September and the present time it is stated, Sir R. Coryndon frequently pointed out that he could not introduce such terms, but that the Duke of Devonshire ultimately insisted on re-opening local discussions. That may account for the demand, that has been made by the white settlers from Mr. Ormsby-Gore's retirement from the Colonial Office. Week-end conferences have been held at Nairobi between Sir R. Coryndon and the representatives of the two contending communities separately. The *Times'* correspondent thinks that there is little hope of a settlement. The Europeans object to the principle of a common franchise, also to non-segregation in residential areas and the absence of restrictions upon immigration. They consider that 'restricted immigration is the only means of safeguarding the country from Indian domination and the native workers from Asiatic competition.' It would be interesting to know exactly what the white settlers have contributed to the industrial development of the native artisan, who, presumably, is to be protected from Asiatic competition. I understand that the Indians, on the other hand, recognise in the proposals a genuine attempt to solve the problem in terms of the Imperial Conference resolution, and in spite of the fact that they do not meet entirely the Indian claim, are inclined to favour acceptance of the terms if they are not changed. Sir R. Coryndon is stated to be pressing them to agree to restricted immigration as a bar to the entry of 'the lower classes,' but that the Indian leaders refuse to agree. It is reported that the terms are referred to in the despatch as 'nicely balanced' and 'to help the present condition in India.' I learn that the Indians Overseas Association, which is closely watching developments, has been officially informed that the Kenya Legislative Council elections have been postponed for

twelve months or such shorter time as the Governor may determine, with a view to work out the conditions of the new constitution.

The *Times* deals editorially with the situation in Kenya in somewhat ignorant fashion. It very rightly says that the present controversy is a phase of the perennial conflict between the white settler, careful for the future of his race, and the Indian, with his determination to insist upon meticulous equality of citizenship within the Empire. The paper says that there is no desire on the part of the people of the Empire to shirk the implied consequences of the Imperial Conference resolution. But then the paper goes off the track. It is quite agreeable to non-interference with long-resident Indians in Nairobi and elsewhere. But it then mixes up the problem of the self-governing Dominions and the Crown Colonies, and declares that 'it is high time that Indian opinion should cease to regard restriction on the settlement of Indian subjects within the Empire as a legitimate grievance.' It thinks that the implication is not one of inferiority at all, but of difference. Most assuredly, it remarks, the white settlers of Kenya, have every right to insist upon the maintenance of an order which safeguards not only their own future but the future of the Colony as well. The paper thinks that a satisfactory settlement 'would seem to imply the grant to the Indians in the Colony of a voice in the discussion of affairs that would ensure their adequate representation without holding out any prospect that the future of East Africa will fall into their control.' It is also deemed 'only fair' that the highland should be reserved so far as possible to the white settlers. Europeans are finally exhorted not to take the law into their own hands, whilst the Indians in Africa are urged to refrain from prejudicing the case of their kinsmen in Kenya 'by putting forward impossible demands.' I am informed that Mr. Polak has replied to this editorial comment on the situation, but there has hardly been time for the reply to appear. Meanwhile, Indians here greatly appreciate the energetic protest against Europeans methods of intimidation in Kenya by the Imperial Indian Citizenship Association and by His Highness the Aga Khan, the Chairman of the Executive Committee of the Indians Overseas Association.

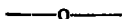
*February, 22, 1923.*

The Indian Merchants' Chamber and Bureau adopted, at its meeting on the 17th February 1923, a report submitted by a sub-committee on the grievances of Indians in the Colonies.



The sub-committee's suggestion was that a representation be made to the Government of India, on the subject. It was further suggested that the Chamber's representative in the Legislative Assembly be requested to move in that House a resolution on the lines indicated below : Whereas the treatment meted out to Indians in the Colonies has been unsatisfactory and has continued to be so in an acute form notwithstanding the efforts of the Indian public and the Government of India to get the situation altered, this Council now resolves that the Government should henceforth and until the matters complained of are fully remedied, adopt the principle of retaliation towards the nationals of the Colonies in the following manner : (1) That the conditions of entry into this country should be in the case of any Colonials absolutely identical in every respect with the condition to which Indians are subjected in each such Colony from which they come. (2) That the conditions of domicile and of naturalisation in this country by any Colonials should also be absolutely the same as those to which Indians are subject in the Colonies from which those individuals come. (3) Absolute prohibition against the admission in any of the Imperial Service or in any services under the local bodies or Provincial Government which is paid for from the revenues of this country, of any citizens of the Colonies. (4) Absolute prohibition to the admission in Indian harbours of ships owned by companies registered in the Colonies or manned by officers and crew who are citizens of any of the Colonies. And (5) the levy of double the ordinary rates of custom tariff on all imports from the Colonies where there are any restrictions of any kind against Indians.

To the above, three members had appended a minute of dissent wherein they suggested that the best course for the Chamber was to recommend its members not to have anything to do with the countries and their agents where Indians were ill-treated, and if this was not acceptable to the Chamber then they should drop the matter altogether.



*Poona, Feb. 22, 1923.*

In their reply to the Deccan Sabhas' resolution on the Indian situation in Kenya the Government of India assure the Sabha that they are closely following the progress of events in the Colony and have no doubt of the determination of the Colonial Government to repress violence by whatever section of the community it may be offered.

Nairobi, February 24, 1923.

Much excitement has been created by the arrest of Sitaram Achariar, the editor of the *Weekly Democrat* owing to the publication of articles reflecting on the character of European women in Kenya. At the instance of the leading citizens a deportation order has been applied for..

The Bishop of Mombasa has telegraphed to the Archbishop of Canterbury :— "The situation causes anxiety. Suggest an appeal by prayer for the guidance of the Home and Colonial Governments."

Unless the Colonial Office discards the proposals for a common franchise and immigration, it is impossible to forecast the action of the European Convention fixed for February 26, but the position is serious . The Indians also declare they are to make no concession.

February 26, 1923.

(Extracts from an article in "*The Times of India*" headed

"*The Outlook in Kenya.*"

" \* \* \* So far as we know the terms proposed to the Indians last year as a basis of settlement did go a long way towards upholding the principle of equal citizenship which was laid down at the Imperial Conference of 1921. Trustworthy reports say that those terms included a common electoral franchise which would give the vote to about ten per cent. of the adult Indian population ; no segregation in commercial or residential areas, but residents must comply with the sanitation and building laws ; no restriction on immigration at present, but the right of restriction to be maintained ; and reservation of the Highlands for Europeans. The English settlers objected to those terms chiefly on account of the franchise scheme on which the Colonial Office insisted, but that Indians in the Colony were ready to meet that objection is shown in a telegram from the Nairobi correspondent of *The Times* published at the end of last month, which contained the following.—

The leader of the Moderate Indians informs me that if it were certain that the Colonial Office would not grant a common franchise the Indian community would be inclined to accept a communal basis, with a reasonable elected representation on the Legislative Council. He is most anxious to find a *via media* and says he has supplied for the consideration of the Government an alternative scheme, under which there would be one common electoral register,

with, however, a fixed number of representatives of each community, this being designed to meet the European fear of being swamped.

The spirit of that suggested compromise is very significant for it shows that in their battle for the principle of equal citizenship the Kenya Indians are genuinely anxious to obtain a good understanding with the English in the Colony. The Indian stand against restriction of immigration, however, is less reasonable and in our opinion, as indefensible as the bluster with which some of the English settlers have announced their intention of resisting the grant of the Indian claims. There is ample room for greater tolerance on either side and we can only hope for its display now that the long-expected crisis is being rapidly brought to ahead."

—o—

*February 26, 1923.*

(From the Zanzibar Correspondent of "The Bombay Chronicle.")

*Zanzibar, Feb. 23.*

Sitaram Achariar, editor of the "Democrat," Mombasa, was arrested on the 21st instant. The No-Election Bill was passed in the Council. The strong analogy put forward by the European member was the Ilbert Bill of Lord Ripon's time. The European Press is indignant, stating Lord Reading dictates the Colonial Office. The "Zanzibar Voice" strongly urges the immediate necessity of a non-official deputation from the Central Legislatures visiting Kenya as in the case of British Guiana and Fiji believing that that would create moderating influence on both sides.

Achariar Sitaram was tried under the Deportation Ordinance before Justice Sheridan who recommended deportation which is now subject to the Governor's confirmation. Mombasa Indians observed one day complete hartal. Indian leaders of Nairobi approached the Governor requesting him to withhold consent to deportation.

—o—

*Mombasa, February 16.*

There are strong rumours in the town that the Governor insulted Mr. M. A. Desai, the President, E. A. Indian National Congress, Mr. Shams-ud-deen, the General Secretary, Indian National Congress and member of the Legislative Council, and Mr. Varma, a member of the Legislative Council. The story of the insult, current in the town, is as follows :—

On the 5th February, "The Kenya Observer" published a cablegram, which, it is stated, has been sent to the Colonial Office by the Congress Committee. This cablegram contained the summary of the cable despatched by the Colonial Office to the Governor on 5th September last. Governor came to know of this. He asked the above-mentioned persons to wait on him and when they come, he began, it is said, to talk with them in a very disparaging tone about Eastern people in general and of the members of the deputation, in particular, accused them of grave breach of confidence, refused to hear a single word in defence and wound up the conversation by asking his A. D. C. to show them the door. The deputation tried much to speak in defence, but were not heard. They protested that it was not an intentional breach of trust but that a European journalist had stolen the copy of the cablegram published, but all these protestations and words of explanation fell on deaf ears. The deputation felt this insult very much and at once telegraphed to the Colonial Office and Indian Government and other people in touch with the Kenya problem and in sympathy with Indian claims, convened a public meeting and passed a vote of "no confidence" in the Local Government. The cable is as follows :

"Nairobi Indian mass meeting passed a vote of "no confidence" in the Local Government on 7th instant : reason being delay, obstruction and whittling down of Indian Policy ; also a strong protest against proposed fresh restriction of immigration. Early announcement of policy essential. Indian voters could be brought on the roll within one month with the co-operation of the Congress thus obviating prolongation. Respectfully submit that the holding of election without enfranchising Indians is extremely dangerous. Government postponed the third reading. The prolongation of the Bill is to impress European opposition on the Colonial Office."

This telegram is signed by Mr. M. A. Desai in his capacity as the President of the E. A. Indian National Congress and has been sent to the Colonial Secretary, India Office and other important quarters concerned.

After the despatch of the above mentioned telegram as well as the cable informing the Colonial Office of the insult, the Governor received some important cable from the Colonial Office and wrote to the Congress asking them to come with their colleagues for discussion over the matter contained therein. The Congress respectfully refused to wait

upon His Excellency on the ground that the incidence of the insult offered them was too recent to be forgotten in a day or two and that they were also afraid of the repetition of the incident. The Governor, it is said, had to climb down and had to send a letter expressing his sincere regret.

The copy of the stolen cablegram which was published and which so upset the Governor is as under:—

✓ To Rt. Hon. Bonar Law (Prime Minister), Duke of Devonshire, Viscount Peel, Mr. Ramsay MacDonald, Col. Wedgwood, Mr. D. Lloyd George, Mr. H. H. Asquith, Mr. Saklatwalla, Sir T. J. Bennet, Lord Hardinge, Lord Chelmsford, Sir Robert Hamilton and Mr. Polak :—

“Inflammatory resolutions passed by European Community understood basis granted common franchise—five seats Indians, eight Europeans. No segregation, no restriction Immigration and free transfer Highlands. Municipal – six Europeans, six Indians, independent Chairman. Real policy common roll enfranchising ten per cent. Indian community, seven or eight Europeans, four Indians with Official majority. No segregation questions Highlands and Immigration open. Adequate municipal representation guaranteed. Governor politely and courteously thwarting Colonial Office orders since appointment always diplomatic. Since resignation Churchill Governor afraid Europeans obtained permission restrict immigration diplomatically hostile Indian right. Urging Indians agree restrictions with Communal franchise, give up land in Highlands stating “If I resign your cause will suffer. Colonial Office cannot afford sacrificing Governor after Governor and conclude must be something radically wrong policy or why settlers opposing.” Unsuccessful attempt made Election February 21st. Indian community determined secure fullest rights, prepared sacrifices, leaders dissatisfied Policy real question. British subjects equal rights, Colonies or not European papers speakers rabid passing absurd resolutions. Substantial suspicion Governor backing mischievous propaganda. Indians want domination declared but evidence missing. Emphatically state Indians not want domination. Shastri's rumoured statement Indian Government want to make Kenya Indian Colony untrue. Governor asked to announce policy, bring communities agreement asked local discussion water down policy. Governor asked Devonshire pay personal attention policy who replied already studied and asked announce policy. Governor held up, obtained permission discuss locally thereby prejudicing settlement. Indians humbly request not upset graceful, settlement submit solution capable permanency. Native

interests to predominate equal seats executive legislative Municipal Council Government majority, Indian demand equal representation only though entitled more free transfer highlands and encouragement immigration Indian Civil Military Services open for all British subjects according to merits. Administration to be British neither unofficial White Indian predominate."

It is obvious from the above-mentioned cable that the Governor was seeking to prevent the Indians from getting their just rights. All these, and private threats to our leaders asking them to accept the reservations as regards the highlands and restrictions on immigration and other objectionable features on the settlement show clearly that he is hostile to the Indians.

*Nairobi, February, 27.*

Responding to the invitation of the Duke of Devonshire, Sir Robert Coryndon, the Governor, is proceeding to London as early as possible, accompanied by a number of representatives of the European, in order to discuss the new proposed terms of settlement of the Indian question.

*February, 28.*

(From the Zanzibar Correspondent of "The Bombay Chronicle")

*Zanzibar, February, 27.*

The Indian community of East Africa, through the Secretary, Indian National Association, Zanzibar, requested His Excellency the Viceroy for immediate interference as the present journalistic polemics of the East African settler's papers on religious and social matters are calculated to create serious racial troubles, and damage the fair field of an amicable settlement of the present problem, and to withhold in the case of the Editor of the "Weekly Democrat," Mombasa, the confirmation of the order of deportation in view of the present critical position and the grave provocation from the other side, which is mainly responsible for such writings.

It is strongly advocated to send an un-official deputation from the Central Legislatures to investigate conditions on the spot which according to the suggestion of the "Zanzibar Voice," is likely to create much good to the Indian interests and exercise a moderating influence on both sides.

A mass meeting attended by over 10,000 Africans, and Asiatic Mahomedans of Mombasa drew the Government's attention to Revd. Shaw's blasphemous identification of the holy prophet Mahomet with Belial, the embodiment of unrighteousness and darkness, made in the articles appearing in the "East African Standard" of the 3rd instant. Religious feelings running extremely high. The meeting prayed for the adoption of immediate steps.

*Mombasa, February 28, 1923.*

Mr. Rashid Bin Sood, Chairman of a mass meeting, informs the press that Mohamadans are excited and feeling greatly injured at Reverend Shaw's letter to the Hon'ble Major Ormsby Gore which was published in the "East African Standard," a few days ago, blaspheming Mahomet, the Prophet, and describing Mahomet as an embodiment of unrighteousness and darkness. This alleged mischief of missionaries is bringing religious conflict into politics in order to strengthen European settlers.

Special to "The Bombay Chronicle."

*Zanzibar, March 2, 1923.*

On the suggestion of the Colonial Office, the Governor and the Convention delegates—Lord Delamere, Mr. Archer and the Hon. Mr. Wood—are proceeding to England. Regarding the Indian claims, the Convention proposes the restriction that every emigrant should furnish a deposit of £50 and pass an educational test consisting of reading and writing a passage in a European language to be selected by the Immigration Officer, amounting to prohibition. The Indian Congress considers the advisability of sending its delegation to England and India.

A mass meeting of Mombasa Indians, in which Mr. Ahmed Jamal, a prominent merchant, presided, resolved to request the Government of India to recall Mr. Letwich, the Indian Trade Commissioner in East Africa in view of his taking a prominent part in the arrest proceedings of the Editor of the "Democrat" and in view of his constant activities against Indian trade interests. The meeting recommended to the Indian community not to keep up any further connection with his office.

*London, March 6th, 1923.*

In the House of Commons replying to Colonel Wedgwood in regard to the resolution of the European Convention of Kenya referring to the possibility of their being forced into action prejudicial to peace Major Ormsby Gore said he had no confirmation of it. The only resolution reported to him officially gave an assurance that the Convention would do its utmost to prevent European direct action during the negotiations in England provided the Imperial Government meanwhile did not attempt to force the issue. The Secretary of State was of opinion it would be mistake to allow any resolution of the kind referred to in Colonel Wedgwood's question to prejudice the attempt he was making to achieve settlement by agreement.

(From the Zanzibar Correspondent of "The Bombay Chronicle".)

*Zanzibar, March 6, 1923.*

Mr. Achariar, editor of the "Democrat" has been released. Mombasa and Nairobi Moslems filed affidavits against Revd. Shaw for insulting the Prophet. All Asiatic communities of Zanzibar including Arabs, Hindus and Indian Muslims and African Muslims held an overcrowded meeting which was presided over by Mr. Tayabali, Barrister, who strongly condemned the most indecent and blasphemous attack by Revd. Shaw on the Holy Prophet of Islam, and requested the Governor, Kenya, to take immediate action to prevent a recurrence of such a publication, also whilst appreciating the Sultan of Zanzibar's action hitherto, requested His Highness still to do the needful to soothe the lacerated feelings of Muslims of this country. Mr. Anantani representing the Hindus spoke that these attacks virtually reflected antagonism to Asiatic civilisation.



"The Bombay Chronicle" March 13.

*London, Mar. 12.*

The Diplomatic Correspondent of the "Daily News" dwells upon the potential danger attached to the Kenya controversy, which, he considers, is likely to become the very touchstone of the Empire.

In the editorial column of this paper, it is stated that a firm announcement, on behalf of the Imperial Government that equal status must be conceded should end the whole matter.—Renter.



## CORRESPONDENCE.

*January, 17, 1923.*

TO THE EDITOR OF THE TIMES.

Sir,—May I ask the courtesy of your columns with reference to your Nairobi Correspondent's telegram regarding the important dispatch, just received in Kenya, on the Indian question ?

The tenor of the proposals for a settlement of this long-standing controversy is said to be strongly in favour of the contentions of the Indians, and it is suggested that not only are the European settlers to be invited to resist them, but that the Governor has advised the Secretary of State for the Colonies of his unwillingness to carry out the terms of the settlement.

It is probably not generally known that the proposals in question are designed to give practical effect to the resolution of the Imperial Conference of 1921, recommending the extension of the status of equal citizenship to His Majesty's Indian subjects lawfully resident in overseas British territories, and that they are now put forward by the Colonial Office, after consultation with, and with the approval of the India Office and the Government of India. If, in applying the principle of the Imperial Conference resolution to Kenya, the Indian contentions are in the main upheld, it is, I imagine, inconceivable that the Governor's alleged unwillingness to carry out the terms of the settlement will be allowed to stand in the way, nor, I venture to think, should the well-known hostility of a section of the European settlers to the application of the principle of equal citizenship be permitted to intensify the already existing bitterness of feeling in India, where Kenya is regarded as the test case of British sincerity on the subject of the treatment and status of Indians overseas.

Yours, &amp;c.,

HY. S. L. POLAK,

*Hon. Secretary,*

Indians Overseas Association.

*January, 30 1923.*

(a). Lord Reading, Delhi.

Situation critical, European register general election being prepared for April, no extension franchise Indians. Acute sense insecurity prevails. Earnestly request send Right Hon'ble Shastri and Mr. Corbett earliest convenience. Kindly wire.

Indian Congress.

*TO INDIAN CONGRESS, NAIROBI.*

(b) 652 Emi Your telegram dated December 16th Government of India do not think it necessary to send Sastri or Corbett to Kenya at present juncture. They have repeated your telegram to Secretary of State and hope that it may be possible to arrange that next general election will not take place until Indians are in position to participate.

*Nairobi, 8th February 1923.*

A Cable from E. A. Indian Congress to the Secretary of State for the Colonies, Secretary of State for India, Mr. Ramsay MacDonald, Colonel Wedgwood, Mr. Asquith, Mr. Lloyd George, Lord Chelmsford, Lord Hardinge, Sir Robert Hamilton, Mr. Saklatvalla, Sir T. J. Bennet, and Mr. Polak :—

Indian Community favourable Colonial and India Offices' decision but object proposed restriction immigration. Governor's attitude hostile towards Indian rights and Colonial Office decisions. Latest instance Governor insulted me and two Indian legislators 5th instant over publication of one of the three drafts of a confidential cable which was under consideration of Committee for despatch to you containing inter alia summary Colonial Office despatch 5th September and giving instances of Governor's hostile attitude and obstruction of enforcement policy since his appointment he invited us to his office did not permit utterance single word explanation and turned us out after casting disparaging remarks about Eastern people. Really draft stolen from my office by a European journalist, apparent object damage Indian cause or journalistic feat. Respectfully submit only satisfactory solution observance and practice just principle of predomination on native

interests. Adequate effective representation European and Indian interests on all public bodies, no legal restrictions transfer lands. Government majority to protect native interests until Natives sufficiently educated. No predomination European or Indian settlers.

—o—

A Cable from Mr. Polak to Mr. Jchangir B. Petit:—

*London, 12th February, 1923.*

“Notwithstanding Indian Government Despatch last year Colonial office Despatch 5th September transmitting agreement with Indian Government recognizing restriction immigration unwarrantable Governor Kenya demanding restriction. Lodge protest Government of India”

*Nairobi, 12th February 1923.*

To,

J. B. PETIT, Esq.,

*Honorary Secretary,*

THE IMPERIAL INDIAN CITIZENSHIP ASSOCIATION.

Sir,

The East African Indian National Congress has received your two cables and also a letter. for which I must express the gratitude of the Indians in Kenya.

The cables and the correspondence manifest what lively interest you are taking in the affairs of Indians in Kenya.

We did not reply to your second cablegram because the Reuter's agent here assured us that he would send the precis of a cable that we had sent to the Secretary of State for the Colonies as we thought we could conveniently avoid this item of expense. The Reuter's agent did keep his promise and despatched a fairly comprehensive cable but the Governor here has issued instructions to the Telegraph office that all cables on the local political question must be sent to him for his perusal under the Indian Telegraph Act which is in force here. He has also arrogated to himself the right to censor and detain any cables that he pleases. He has consequently detained the Reuter's cable on the subject and as soon as we discovered this to-day we despatched a cable to you setting out what our attitude is on the Colonial office proposals.

We have discovered that the Governor has done and is doing all his power to obstruct the announcement of the Indian policy and has since the 6th of September last made various attempts to get the decision upset.

I am sending you various cuttings and copies of correspondence which will give you a fair idea of what has happened here during the past month or so.

At the last session of the Legislative Council the Governor had to introduce a Bill for the prolongation of the life of the present Legislative Council to permit the Indian voters also coming on the electoral roll and his instructions from the Colonial office were definite on the point yet he only proceeded with two readings of the Bill and postponed the third reading with a view to getting the Colonial office to change their views on the Governor's representation to the effect that the un-official European members were unitedly opposed to the Bill of prolongation. Instructions have, however, been received that the Bill should be proceeded with its third reading.

The Governor called us again yesterday and read out to us certain cables from the Colonial office in which it was stated in reply to the Governor's cable that it was wrong for the Governor to suppose that the Duke of Devonshire was not paying his full and serious attention to the Indian question in Kenya and the Duke added that he had paid the fullest attention to the matter.

There were some signs of unrest in the Railway workshops owing to the dog-in-manger policy of the new South African General Manager who is trying to get rid of the Asian labour before the African labour is ready to take the place of the Asian. The artisans have however resolved that instead of going on strike they must all return to India and they look to you to publish this fact in India to prevent further artisans coming out from India to take their places.

Yours faithfully,

SHAMS-UD-DEEN,

*General Secretary.*

A CABLE FROM EAST AFRICAN CONGRESS TO  
MR. JEKANGIR B. PETIT:—

*Nairobi, 12th February 1923.*

“Understand Government intercepted and stopped Reuter's cables on Indian position in Kenya. Indian attitude acquiescent in Colonial Office proposals, strongly object to proposed restrictions on immigration. The only satisfactory solution is the observance and practice of the just principle of predominance of native interests and adequate and effective representation of European and Indian interests on all public bodies, no legal restriction on transfer of lands, Government majority to protect the native interest until the native is sufficiently educated, no predominance of European or Indian settlers. The Governor is obstructing the announcement of Indian policy.”

A TELEGRAM TO THE GOVERNMENT OF INDIA,  
REVENUE DEPARTMENT, DELHI:—

*Bombay, 15th Feb. 1923.*

Imperial Indian Citizenship Association strongly protests against Kenya Government's obstructing policy demanding restrictions on Indian immigration to Kenya notwithstanding Colonial Office and Indian Government holding such restrictions unjustifiable. Kenya natural outlet for India's surplus population. India cannot surrender the right of free emigration to Kenya enjoyed by her people for over 300 years. Kenya Indians are as anxious as the Europeans to safeguard the interest of the native population of Kenya but Association is strongly of opinion that differential restrictions on immigration against India involving a preference in favour of foreigners provided they are Europeans of some sort will not in any way benefit the native population as the sole aim of the Europeans is to dominate the position in Kenya. As citizens of the British Empire Indians claim freedom of movement throughout His Majesty's Dominions. No restrictions against India can be demanded in Kenya by the Europeans settlers as the Indian settlers in Kenya with their larger numbers and longer standing will have at least equal rights with the Europeans to determine composition of Colony population.

Association trusts Government of India will press this aspect of the question before the Colonial Office and demand justice for Indians in Kenya which they have admittedly done much to build up. The situation is becoming critical and there is need for immediate action.

J. JEHANGIR PETIT,

*Honorary Secretary.*

TO THE EDITOR "THE INDIAN SOCIAL REFORMER."

SIR,

Only recently a despatch has arrived here from the Secretary of State for the Colonies which the Governor has instruction not to disclose—but the European members have got the information from some source or other—that the Colonial Office intends to grant common franchise to Indians. They consider that this would be equal to granting equal status to Indian which they are bent upon opposing at all costs.

There is a large number of level-headed and fair-minded Europeans in the country who consider that it is only equitable that the Indians should be granted some rights as a proof of sincerity of the resolution passed by the Imperial Conference, in 1921., but the small clique known as the "Reform Party" are agitating and exciting the minds of the general European population by making them believe that if a common franchise is granted to Indians it means that the Europeans will be ousted from the country in course of time.

As a result of mischievous propaganda carried on by Europeans, the innocent and just Europeans also are being dragged into becoming party to use violence against Indians in case the common franchise is granted. Papers also suggest that the Government cannot enforce this policy without bloodshed, and rumours are, in fact it is being stated openly, that the intention of the Europeans is to shoot down every Indian in the Colony. It sounds too ridiculous and wild to believe but the class of settlers that reign here have been encouraged to indulge in this sort of lawlessness which has been resorted to frequently by them in the past, and on every occasion they have succeeded in intimidating the Local and Imperial Government and have had their own way.

On one occasion, a party headed by a noble Lord went to the Government House, threw stones at the Governor and behaved themselves in a disgraceful fashion and asked the Governor to resign. On another

occasion, an assembly of Europeans including a number of European leaders gathered in front of the Court House and flogged certain natives because they thought it was useless to take the case to the Courts as the Magistrates did not and would not punish them sufficiently. Then again a responsible and very much respected settler took the law into his own hands and went and set fire to the huts of several natives whom he suspected of having stolen his cattle or sheep. Another settler, a very high personage, shot a native dead because he suspected him of having stolen his sheep. He was tried for murder, pleaded guilty, and yet the Jury returned a verdict of "not guilty" and he was consequently discharged. All this, you will say, sounds like yarns but the fact remains nevertheless, that these sort of happenings have given the country the reputation, according to Lord Cranworth, as being the place "where they shoot the natives and stone their Governors."

Only recently a few Europeans went to the houses of certain Indian shop-keepers at a station called Gilgil at night, tried to effect an entrance into the married quarters by breaking doors and tearing the roofs, and threatened to shoot and set fire to the whole location. They were, however, prevented from doing this by some others. They were tried but some of them eventually apologised to the Indians and the case was compounded. This has never appeared in the local papers although it is common knowledge that this took place only a few months ago.

The pity of the whole matter is that the Government instead of suppressing these sentiments of lawlessness manifests its weakness by saying that they believe that such an action by the settlers is improbable to be taken and in fact this bullying attitude of the settlers is used as an argument against granting the equality of status to Indians. In any other country such a propaganda would be crushed ruthlessly by the Government but here the Local Government actually confess that they cannot put into practice a policy, which has such a strong support of the Government of India, is said to have been approved by the Imperial Government and is sanctioned by the Imperial Council.

As far as our information goes, the despatch that is kept secret up to now does not give the Indians anything in the shape of equal rights. It reserves all the highlands for Europeans, allows about 10 per cent. of the Indian population being brought on the common electoral roll and on the other hand the immigration is to be restricted.

We expect that the threats of the European community may be carried into practice at any time or at least an attempt made to do it, and I expect you to take up this cause and to give the matter the publicity it deserves and show the utter absurdity of the European population of this country.

Yours faithfully,

SHAMS-UD-DEEN,

*General Secretary*

E. A. Indian National Congress.

*Nairobi, 18th January, 1923.*

TO THE EDITOR OF "THE TIMES OF INDIA."

Sir,—In your editorial of Monday, February 26th, you write as follows :—

"The Indian stand against restriction on immigration is less reasonable, and in our opinion, as indefensible as the bluster with which some of the English settlers have announced their intention of resisting the Indian claims."

When I was in Kenya in 1919-1920 and 1921, I had many talks with the European members of the Civil Service. In 1921, Colonel Noteley, who had been Chief Commissioner of Police, was Acting Chief Secretary. He expressed to me quite openly his views on the Indian immigration question and I feel certain that he would not object to their publication. He regarded the true test of immigration to be that of 'vagrancy'. If 'vagrancy' were frequent, then and then alone could he wish to restrict immigration. He told me that he had found very little 'vagrancy' indeed among Indians, and therefore he did not think that any further immigration restriction was necessary. Mr MacGregor Roos, the head of the Public Works Department, would, I believe, entirely share his view, and so would a very large number of Government officials. They rightly fear an economic break-down, if the situation is disturbed by a wholesale restriction of Indian artisans, such as would take place if an 'English Education' test were applied.

The present immigration rule is that each new comer shall deposit security equivalent to his return passage money to his own country. This security is refunded after six months. The rule appears to work very well, and it is entirely non-racial. It must be carefully remembered that Kenya is entirely under-populated. Though the soil is extre-



meely fertile and the rainfall on the whole is good, the whole population for an area, larger than France and Belgium put together, is under 30,000,000. The actual Indian population is 24000 and it is not increasing with any rapidity. Recently for 2 or 3 years the figures of which were worked out for me by the Immigration Department, the Indian population had actually decreased. If my memory holds good, these years were 1916-1919. Kenya is within easy shipping distance of Bombay, and it has been rapidly taking its place as an important centre of the Bombay cotton trade ; for Uganda and the southern portion of the Sudan have one of the richest cotton belts in the world. Looking to the future, there is perhaps no other country, vacant and under-populated, which is of greater importance for India in her natural economic development, than East Africa. India has now been completely excluded from South Africa, Australia, New Zealand and Canada, which are the other portions of the world still scantily populated. It is altogether unreasonable to seek to exclude Indians from East Africa also, which is, as it were, at her very doors. Yet restriction of Indian immigration is only the first step towards ultimate Indian exclusion. This has been quite bluntly declared by the European leaders in East Africa themselves ; and they are determined to carry out nothing short of the same exclusion and repatriation, which we are now witnessing in South Africa. If chapter and verse were needed for such a statement, it can be had in abundance.

The simple truth is, that the Kenya ' Indian Question ' has become almost purely racial. The Europeans are quite determined to make Kenya a ' White Man's Country.' The following ' Open Letter ' of the Hon. Sir Northrup Macmillan will show the general sentiment. He writes :—

" It is up to us most emphatically to point out, that although we are most loyal subjects of His Majesty the King, we will have no more talk of the Indian Franchise in this White Man's Country,—a privilege which they do not possess in their own homeland. God's rule is that the white man should rule ; and we in this Colony are determined to follow this rule, no matter what a weak-kneed and pandering Government agree to do in India itself. I am convinced that if we are sufficiently loyally British to *show our teeth* to these Empire breakers across the seas, we will hear no more of the Indian Question." (The Italics are mine

The East African papers, which I have read regularly for some years, are now full of statements like this. They are frankly militant. They are 'showing their teeth.' It is not all bluster; because the small European population is composed almost entirely of ex-soldiers and ex-sailors, and the English women have been all taught to shoot. I was told on the highest authority in October 1921, that an armed revolution had been definitely planned and prepared for only two months earlier on receipt of the news of the Imperial Conference resolution stating that equal status for Indians in the Colonies was desirable. Let me repeat, with all the emphasis I can, that there is no other goal in view among non-official Europeans, generally with regard to restriction of immigration than what has been authoritatively called by them, "ultimate Asiatic exclusion."

C. F. ANDREWS.

A TELEGRAM TO THE GOVERNMENT OF INDIA,

REVENUE DEPARTMENT, DELHI:—

*March 1, 1923.*

The Imperial Indian Citizenship Association desires to call the attention of the Government of India immediately to the news cabled from London that Sir Robert Coryndon, Governor of Kenya, in opening the European Convention of Associations at Nairobi disclosed confidentially certain new proposals which favoured the European standpoint and that he also announced his intention of proceeding to London at the earliest possible date accompanied by several European representatives selected by the European Convention of Association, to discuss details with the Colonial Secretary. It is also stated that this visit is at the invitation of the Colonial Secretary himself. The Association desires to point out that if no Indian representatives elected by the Indian Association accompany him side by side with the Europeans this visit of the Governor will be an act of partnership and therefore unconstitutional. It also calls immediate attention to the deliberate threat of violence contained in the resolution of the Convention if the terms finally selected by the Colonial Office are not satisfactory to the Europeans.

The Association would point out that the European Convention of Association has again passed unanimous resolutions calling for such restriction of Indian immigration as should lead to ultimate prohibition

of Indian immigration altogether. From cables which have been received by the Association and which have also appeared in the press it seems clear that the Governor's new proposals are in the direction of further restriction of Indian immigration. It would therefore appear that the Governor himself is now prepared to assist the Europeans in Kenya by forwarding a sinister programme which would lead to ultimate exclusion of Indians from Kenya altogether. As the crisis is so immediate the Association would ask from the Government of India for declaration of their own policy without delay and would point out that the steps now being taken by the Europeans with the help of the Governor are in danger of leading to a serious crisis which should be prevented in the interests of the British Empire itself. ✓

A TELEGRAM TO THE GOVERNMENT OF INDIA,  
REVENUE DEPARTMENT, DELHI:—

*Bombay, 6th March, 1923.*

The Bombay Progressive Association has heard with consternation the news from Kenya indicating that the Governor and European Convention have managed to secure more favourable proposals from Colonial Office and that the Governor is proceeding to London with a deputation of Europeans to secure further rights to the utter detriment of the rights of Indians. Association urges Government to publish the exact facts relating to the situation and declare what steps they intend taking to protect the vital interests of India in Kenya Colony and the rights and status of Indian settlers therein. Association earnestly requests Government to bring to the notice of His Majesty's Government the depth of Indian feeling on the question of Kenya Indians in general and in particular in connection with the proposed restrictions of Indian immigration to Kenya, and convey to the authorities the firm and deliberate determination of India to maintain her rights in Kenya including the right of free immigration to Kenya at any cost. Failure to protect the just rights of India and Kenya Indians at this critical moment will be disastrous in the extreme and irreparably undermine the foundations of the British Empire in India. ✓

Telegrams to H. E. the Viceroy, and to R. B. Ewbank, Esq. of the Revenue Department, Delhi:—

*Bombay, 5th March 1923.*

“Imperial Indian Citizenship Association begs call attention gross defamation Mahomedan religion and Indian women’s character contained East African Standard. Extract follow posted.”

JEHANGIR PETIT.

A Cable from East African Congress to Mr. Jehangir B. Petit :—

*Nairobi, March 6, 1923.*

Government released Achariar Friday, Governor with Convention delegation going London early April. Convention game upset Imperial Conference resolution next meeting through Smuts. Getting on well except Convention’s vigorous campaign. Economic pressure bringing unemployment artisans, clerks, ruining small traders millers on settlers farm small big. Indians prepared all sacrifices. Congress arranging delegations India England. African Indian Moslem’s feeling running very high, reason Reverend Shaw called Prophet Mahomed Belial. About two dozens swore affidavit to-day demanding prosecution Editor and Shaw. Exhorting non-violence.

A Telegram to His Excellency the Viceroy, Delhi :—

*Bombay, 7th March 1923.*

“The Imperial Indian Citizenship Association begs to call the attention of His Excellency the Viceroy to the fact that the Under-Secretary of State for Colonies as reported by Reuter stated in House of Commons that the Governor of Kenya Colony would be accompanied on his visit to London at invitation of Colonial Office by two representatives of Europeans Convention of Association one non-official executive member of Council and one missionary and that the Indian community would send a deputation. It appears to Association of vital constitutional importance to ascertain immediately whether Governor goes to represent European interests only and is therefore accompanied only by Europeans as might be inferred from wording of telegram from London. If this really the case Association would urge immediate protest in strongest possible terms from Indian Government against such unconstitutional proceeding.”

JEHANGIR PETIT,

*Honorary Secretary.*

*April 1923.*

## THE KENYA ATMOSPHERE.

### 1. NEWSPAPER EDITORIALS.

(FROM THE EAST AFRICAN STANDARD.)

(i) The Duke of Devonshire must be now busily engaged in trying to solve the old riddle "what happens when an irresistible force comes in contact with an immoveable mass?" The proposition of course is an impossible one, for if the force is irresistible then the mass must be moveable by it. And if the mass is immoveable, then the force is proved to be not irresistible. In the Indian question, so far as Kenya Colonists are concerned, we are convinced that they have taken up an immoveable attitude. They *will not* admit the Indian to an equality with the European in Kenya. In this matter their courage and faith is based on a good rock foundation, on principles which have been tried and proved for thousands of years, on right as distinct from wrong. Faithfulness to trust, has from time immemorial been held up as the great virtue of either man or nation. The Roman soldier, erect and steadfast at his post at Pompeii when all around him was crashing and thundering to destruction, has been held up for an example to all succeeding generations. Incidents innumerable spring to mind, all illustrating the worth of faithful trust and the high estimation in which it is held. This country has taken its stand. It cannot turn back. We shall be cajoled. We may be threatened. We shall certainly be ridiculed. Attempts may be made to bribe us. There will be no stone unturned in the effort to induce us to abandon the position we have taken up. Yet if we stand steadfast and firm, we shall gain our point, we shall have the thanks, eventually, of those who to-day are almost inarticulate, and we shall have gained the esteem of every other Colony in the Empire. Birth is always painful. In Kenya to-day is being born a national consciousness. The process is not pleasant, but it is necessary if we are to retain our self-respect as Britons. Eventually we may hope to make this land into a British Colony of which we need not be ashamed, and to which our sons and daughters may be proud to belong. Indian claims, on the other hand, are based on an untrustworthy and insecure foundation. Equality, say Indian leaders, is to be attained by education, more than by character. The soul of the Briton, his spirit, his chivalry,

his moral attainments, cannot weigh nowadays in the scale of worth, as these characteristics used to do in days gone by. Money is the god we all worship. A veneer of education covers all deficiencies, and the ballot box is the final test of fitness. Such ideas are doubtless not uncommon in these days. But no nation was ever built on such an insecure foundation.

(ii) Reference was made in our columns of yesterday's date to Angola, and the spirited speech made by the High The Boston Tea Commissioner of that Portuguese West African Colony. A paper published in London suggested that the spirit which animated the Colonists of America, when they had their "Boston Tea Party" is evidently not yet dead, as far as Angola is concerned. One is naturally tempted to draw an analogy between our own position, and that of the small American Colony in the eventful years between 1773 and 1780. At that time Boston was the most flourishing town of North America. Its population was about twenty thousand when the War of Independence broke out. Trade was important with Europe, Guinea, Madagascar, and the West Indies. Wealth and luxury meant social status, and the Official British class, "lent a lustre to society." The Press being free, questions of local politics of Imperial policy, and finally of Colonial autonomy had replaced theology, once a principal topic, in public interest. The spirit of the colonists was largely tending towards some form of limited independence from the British Government. The War of Independence, therefore did not spring up suddenly at a moment's notice. There had been a long and quiet maturing of the whole weight of public opinion in the direction, and had the British Government heeded the signs of the times, the United States of North America might be to-day the finest flower of the British Empire of Nations. That, of course, is a commonplace, but it is well to remember what England lost and why she lost it. The Colonists of that day had one great grievance, which was that they were taxed without being granted representation. They were not against taxation, as such, but they could not accept it without a voice in the disposal of the money so collected, nor could they calmly endure the methods of collection, or investigation, as practised by Government officials. The Stamp Act, in 1765, lasted for one year. It was opposed in Boston by a surprising show of determined and united public sentiment. Troops were first quartered in the town three years

later. The famous "Tea Party" took place in 1773, when the Tea Act, another means of taxation was defied by the emptying into the harbour of some three ship-loads of tea, by a party of Colonists disguised as Red Indians. This direct action was only resorted to after the people in meeting after meeting, had for weeks exhausted every effort to secure the return of the tea ships to England. The Boston tea party did not precipitate war, but it led to a series of reprisals on the part of England, which culminated in a resort to arms. Juries, Sheriffs and Judges were under a sort of martial law. Capital offenders were tried outside the Colony. Town meetings were controlled or abolished where possible and finally, Boston Port was closed. Meanwhile the feeling of the Colonists had crystallised in the collection of arms and in the holding of the first provisional Congress at Concord. On April 18, 1775, a force of 800 soldiers was sent to capture two leaders of the Colonists, Hancock, and Adams, then at Lexington, and to destroy stores collected at Concord. So well were the Colonists organised that "minute men" were on the spot to resist the attempt at the capture of their leaders. Fire was exchanged and the troops eventually withdrew, falling back on Boston. Thus opened the War of Independence. It may seem like ancient history, yet the old tavern where the "minute men" had their rendezvous, and the house which was used as headquarters of the British troops, still stand at Lexington. The "minute men" were so called because they were bound by an oath to be ready at the call of their leaders at a minute's notice and when Paul Revere took the news of the advance of the British, through hamlet and farm he found men ready on every hand. Looking back on those long past days, we can only wonder at the obtuseness of the British Government in closing its eyes to the real position of affairs. The Colonists were fighting for a principle and neither threats nor bribes could move them. So it has always been, and so it will always be so long as British ideals hold good. It must not be forgotten that men who revolted from British rule and proclaimed their independence on the fourth of July 1776, were British themselves, by birth tradition and upbringing. It is a far cry from Angola in the West to Kenya in the East. And it is one hundred and fifty years since the first shot was fired in the American War of Independence. Yet there are elements in our present position which bear a striking resemblance to those of 1775. Principles are once again at stake, and the spirit animating the Colonist of Kenya is largely the same as that which animated the Colonist of New England. If Africa is to be bought and sold, if our Colony is to be treated as a Naboth's vineyard for India, then possibly, history may repeat itself.

(iii) It is with feelings of relief that we read the *Times'* opinion of the present Kenya crisis. We welcome the pronouncement of the most weighty journal in Great Britain as a herald of the dawn of common sense in overseas government affairs. As the *Times* points out, there is difference. East and West are not alike. The Oriental mind is of a different calibre to the mind of the Occidental. That difference does not imply either inferiority or superiority. Nor, we take it, does it exclude the possibility, in individual cases, of one type so closely approximating to the style of the other type that it may in the end become almost indistinguishable. It is evident that the post war millennium ideal has run its course. We were all so sure that wars had now ceased, that we have been inclined to force nature to do what we thought she ought to do. Believing that now was the time when the lion should "lie down with the lamb", we have insisted on their sharing the same bed, with the result of the upsetting of all our calculations, and a legacy of several very complicated problems to solve. This applies to other than our immediate problem here in Kenya. We beseech the Greeks not to go to extreme measures against the Turks, and they pay no attention to our pleadings. We ask Turks to be good, and to limit their demands against the Greeks, and they laugh at our diplomacy, calling it weakness. We ask the new German Republic to be kind enough to settle its bills, and when they put us off with many excuses, we have to stand aside, and watch another nation go in and force a settlement of account. We found the Irish problem too much for our new ideals and the whole nation heaved a sigh of relief when at last we left the Irish Free State unfettered by Utopian fallacies, settle its own affairs with the strong hand. Following out our visionary new notions, we have allowed India to march round the world demanding admittance to every Dominion and Colony, with a card in her hand, inscribed "Equality for everybody, please" We have conceded to Egypt the moulding of her own destinies. The result is inevitable. Egyptians are hating us more cordially than they have ever done before. Our sense of proportion has become so dull that we are almost unable to distinguish between the tale of a genuine grievance, and the cry of the professional agitator. This sort of moral weakness cannot continue, unless we wish to see our Empire fall to pieces. We must give up our Utopian ideals, and realize that we have deal with forces, and people, and nations, which are not to be governed by a reference to what they ought to do, but, by what we say they must do,



either willingly, or by compulsion. Then only shall we regain the position which we held for so long, the position which latterly we have seemed to be abandoning. Force is still the ultimate appeal. Civilized nations may call a truce in armaments because they know very well, by experience, that war does not pay. But in dealing with nations who are semicivilized, or who have not learnt the curse of war by bitter experience, any appeal to better feelings, or to the economic factor, appears to be but a confession of weakness, inviting attack, rather than minimising its possibility. Turning to our own particular case, from which we have diverged somewhat, we may reassure the *Times* readers as to the measure of order and discipline with which the Indian claims to equal status in Kenya have been combated. So far as Kenya Colonists are concerned, everything is done, and will continue to be done, "decently, and in order."

(iv) The two letters which we publish elsewhere from African Natives show the feeling which no doubt exists in African minds on the subject of Indian claims in Kenya. These letters are undoubtedly genuine productions from sincere and thoughtful Natives. They do not delve, it is true, into all the ramifications of the possible results of Indian domination, of even a partial control in the Government, which would result from our acceptance of any sort of equality with Indians. But they do touch on matters which primarily affect Natives themselves, as is only natural, and they lay stress on the benefits of good government and the good treatment Natives have received in the past from British officials and from British women. If to-day, in the very backward state of the mass of the African races in East Africa, there are found a few who can voice their ideas and feelings on the subject of Indian pretensions, we can surely look forward a few years, and imagine what Natives would say and think about the question when a much larger proportion can read and write, than is the case at present. This indeed will bring our trusteeship home to us. Natives to-day are for the most part inarticulate, but they will not always be so. There will come a time when they will judge us for our actions to-day, and thank us for doing the right thing or blame us bitterly for betraying their interests. The Indian question is really a three-cornered contest. We may be quite certain that if the African was generally literate, as he will be some day, his weight would

be thrown into the scale for the European and against the Indian. This idea is voiced by the letter we refer to, and we are sure that it may be taken as expressing the views of Natives in general throughout the Colony.

(v) It seems at first sight a far cry from our modern constitutional methods of governing "by the people, for the Dictatorship. people" to the old time dictatorships which were instituted by the Romans to fill a definite need.

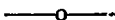
In the Roman State the office was eventually found to be incompatible both with the rapidly growing spirit of constitutionalism and the greater security of the city of Rome. In 44 B. C., Marcus Anotonius passed a law abolishing the dictatorship as a part of the constitution. Britons have always opposed the idea of this method of governance, because it leaves too much power in the hands of one man. The only successful dictatorship which one can call to mind was that of Porfirio Diaz who ruled Mexico wisely and well for thirty years. That a Dictatorship was necessary in that country has been amply proved by the continual disturbances ever since the patriot's ultimate resignation and death. However much such a rule may be successful in one case or another, it would come with a shock to most thoughtful Britons to be told that they were countenancing Government by dictators at the present day. They would at once ask— "Where can such a thing be done in our British Empire? Are we not all for constitutional government elected members, people's parliaments, and so on?"—To that question we reply—"You may think so indeed, but really in the case of Kenya, we are ruled by a dictatorship, camouflaged as a partly elective constitutional government"—We may explain the matter clearly by pointing out that though the Legislative Council sits and discusses questions of State of the utmost importance yet all talk and discussion may prove to be abortive and useless. In London sits the man who gives the order to His Excellency the Governor here, who in turn indicates to his subordinate officials that they are expected to vote as ordered, or to lose their posts. Whatever amount of camouflage may be used to disguise the method, the fact remains that we are being ruled by what is practically a dictatorship. Appreciation of this point of view by Kenya settlers has been evident from recent meetings in the country, where resolutions have been passed asking that if any voting were to take place in the Legislative Council on the Indian question, the Official Members might be allowed to vote, without prejudice, according to their consciences. That such resolutions need to be passed in these enlightened days is astonishing. The idea

that educated men of high standing and principle, can actually be ordered to vote against their consciences—and against what, in some cases, they have openly supported previously,—on pain of the loss of their posts, is an anomaly which should be rectified as soon as possible. It is a shameful position for official members of the Legislative Council to be placed in, and utterly against all ideas of British freedom of thought and speech. Elsewhere in this issue will be found details of the Ilbert Case in India, some forty years ago. It is hardly necessary to point out the similarity of that case with our present Indian problem. We believe that if it came to the point of decision there are many of our officials in Kenya who would refuse to vote by dictation, and who would make it clear that their consciences were to them of more moment than their careers. Still, we repeat that they should not be placed in such a false position, and our contention holds good that the time has come for this Colony to be properly represented on the Legislative Council by an unofficial majority. Such a majority would do away with the necessity for the ordered vote of official members, and relieve our minds of the feeling that we are bound in subjection to a thinly disguised dictatorship in Downing Street. What Marcus Antonius condemned before Cæsar conquered Britain, we may surely ask to be relieved from to-day!

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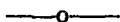
(vi) One of the most momentous acts in British History was one which at the time seemed to have accomplished  
 A Challenge. nothing. On the 5th of January, 1642, King Charles made up his mind to arrest the five members of the House of Commons who were his chief adversaries in the political struggle of the time. He entered the House with an armed force and asked for them. But the five men who were implicated,—Pym, Hampden, and three others, had had a warning and were not present, so the King went out again without having effected his purpose. If those members had been present,—no doubt the course of history would have been altered, for they were the brains of the party which opposed King Charles. We have referred previously to the fine character of John Hampden. It was Pym who declared in an impassioned speech on a certain occasion—“Shall it be treason to embase the King’s coin though but a piece of silver, and not treason to embase the spirits of his subjects; to set a stamp and character of servitude upon them?”—All these men stood for freedom of thought and speech. King Charles, in his attempt to bind them, threw down the gage which was picked up by them. This act

therefore may be said to have been the first act of his undoing. Here in Kenya we are passing through a very momentous time. In quite a modest way, our unofficial members may be said to be in a similar position to those leading spirits of Charles' day. They stand for our constitutional right, namely, that when a privilege has been granted to a free people, by its rulers, that privilege cannot be withdrawn without their consent. It is true, no doubt, that on the technical point, the Secretary of State for the Colonies is but exercising his undoubted right in seeking to prolong the life of this Legislative Council session, in preference to its dissolution. At an ordinary time little notice would be taken of the event. But it is perfectly evident that the reason for the extension of the session, is that time may be gained, time which the Colonial Office will use in exhausting every means of bringing the Indian question to an issue, and, if possible, to what they may think is a successful conclusion. We must confess that we have no illusions on the matter, nor do we believe that a settlement agreeable to both parties will ever be reached because in the nature of things it is an impossibility. However that may be the order of the Colonial Secretary is regarded as direct action against what may be looked on as a constitutional right, with the end in view of either a settlement, or with the more sinister idea of a correction of the Europeans of this country. As the member for Rift Valley pointed out, direct action is apt to provoke direct action among those against whom it is aimed. Such words are not spoken lightly. They constitute an acceptance of the challenge thrown down by the Colonial Office in its high-handed dealing with Kenya Colonists. The session may continue. The solemn protest made by each of the unofficial members may seem to pass unheeded. But to us it seems that the attitude of our rulers at Home heralds a coming struggle, and for that struggle we shall do well to be prepared.



(vii) A correspondent in this issue points out a very important fact, and one which cannot be too strongly emphasized, namely, that the whole community of Kenya is girding up its loins, not primarily to fight individual Indians in Kenya, but to resist the weight of the India Government which is forcing the Colonial Office to give way to its claims to Kenya as a future dependency of India. Kenya Colonists refuse to allow India to dictate the future of a British Colony. They have come to see that Indian agitation is crying out for Kenya, as a child cries for the moon. To them, the one is as impossible as the other.

If the India Office hopes to appease recalcitrant agitators in India by giving way to their absurd demands, they are doomed to disappointment. Kenya is but a phase to such people. To-day it is Kenya, to-morrow it will be the Indianization of the Services, after that, some further preposterous demand. The sooner they are pulled up short in their agitating career, the quicker we shall get back to sanity and efficient government in India. Weakness of policy must be replaced by strength, and robust common sense. If that strength and common sense is lacking in Downing Street, the Settlers of Kenya will at least do their best to show the way. We admit the right of Indians "to live and move and have their being" in this Colony. What we do not admit is their claim to equality. We have no objection to their undertaking the control of their own concerns but we absolutely refuse to allow them anything approaching an equal share in the management of our affairs. Moderate minded Indians will perhaps understand that when we admit no animus against them at this juncture, such a statement is not an admission of weakness, but rather a request to them to get out of the way, so as to allow us to face the real issue, which is perhaps wider than they have as yet realized. If the whole Indian question was finally arranged on the lines laid down by the Convention of Associations, it is unlikely that the present temper of the settlers of this country would be content to submit any longer to the camouflaged dictatorship to which they are subjected. That has come to be almost the larger question, because it has been shown that no Ordinances are safe in the hands of the gentlemen at the head of affairs at the Colonial Office, and what is settled to-day may be upset to-morrow. If any proof of this statement of our lack of animus were needed, Kenya Indians have only to ask themselves if any members of their body have been molested or ill treated in any way during the last few weeks. The answer, we are sure, will be in the negative. We propose to make this Colony a place where we can live at peace, unhindered by any outside menace. We do not propose to submit to any sort of settlement which will perpetuate discord for ourselves and our children. That attitude is strong, but it is also on common sense lines, which should be acceptable to all those Indians who really have the welfare of Kenya at heart.



(viii) The Aga Khan is the head of the Shia Imami Ismailia Council, or the Khoja religion, which is an offshoot of the The Aga Khan. from Mahomedanism of a reformed nature, not accepting the Koran as a guide. He holds a very

high position indeed, and is greatly respected in Home circles, where his racing stud is one of the ornaments of the turf. He was granted rank and status of first class Chief, with salute of 11 guns in recognition of loyal services during the European War. In 1918, he published a book "India in Transition." Taking all these facts into consideration, it is safe to say that whatever His Highness the Aga Khan may have to say on any matter will carry a great deal of weight. One of the characteristics of the educated Indian mind is that of jumping to conclusions. When the gospel of "equality for all" was first launched upon an astonished world, it was the Indian who said that now all Indians were equal with all whites. That surely was jumping to a conclusion that the most hare-brained expounder of the original doctrine could never have contemplated. To-day we see that Indians have jumped to the conclusion that Lynch law, and the throat cutting of all the Indians in Kenya, is to be the order of the day. We submit that they have been given no cause to jump so far! It is true that the fixed determination of Colonists to have no commerce with Indians in the matter of equal rights or status in Kenya has been declared, and they have stated that they will resist the imposition of such equal rights by the Colonial Office, to the last extremity. That such rights could not be forced on the country without bloodshed, has been hinted at, but it was European blood, and not Indian blood which was referred to. It is evident that the word "bloodshed" was sufficient to cause the Indian community to jump to the conclusion that wholesale massacre was intended. Such an idea is preposterous, besides being quite unnecessary. We have not yet exhausted all the avenues of peaceful persuasion; and the Colonial Office has been good enough to concede that time for deliberation which we feared, with reason, was to be denied us. We know there are many Indians in East Africa who are not so wholly extremist as some would like us to believe. There are many who would like to stand out on the side of moderate opinion, but who dare not do so for fear of action on the part of others who have less to lose, and more to gain, by agitation. Possibly, in the near future such Indians may decide that the ills they have endured for so long under the British Government of Kenya, are better than the ills they might have to face if they made no move in the direction of moderation. It is useless for Indians to think of coercing Kenya through the good offices of India by means of the Colonial Office, unless there is indeed a desire to provoke that action which His Highness the Aga Khan would be sorry to see. Meantime we are strongly inclined to advise the Indians "who are of milder mood," if they wish to ensure that the Aga Khan's peaceful

desires should be carried out, to give publicity to the fact of their own moderate tendencies. They may find it wise to do what the plunger on the racecourse does when he is not certain that he has backed right horse. He "hedges." Thereby he lessens his chance of winning, perhaps, a fortune; but at the same time, he may save himself from a certain economic disaster. Nothing more calculated to ensure a better feeling could be found at the moment, than the formation of an articulate body of Indian opinion of moderate ideas.

(ix) Truly the voice of Kenya is making itself heard in no uncertain way. The rulers of our destinies at Downing Street must be indeed blind and deaf if they fail to grasp the seriousness of the situation. Kenya settlers have got beyond the stage of light-hearted and half-joking threats. The very quietness and freedom from cheap abuse which has characterised, without exception, all the country meetings, tells its own tale. The men who have made their protest have counted the cost. They have as certainly shown the limits of their patience and forbearance towards the preposterous demands of India, as ever did any group of patriots, fighting for the right against coercion. They have given chapter and verse. They have set down straightforward reason. They have seen the issue clear before them, and have expounded it. They can do no more, now, save to await the decision of those who, for the moment, rule our destinies. To those earnest quiet men, the best of the fine community of which Kenya is composed, may come from time to time the thought "Are we sure? Are we right?" The answer is in the remembrance of past history when right has in the end always triumphed over meaner motives, however powerful these may have appeared to be at the moment. We do not talk about our ideals, but we have the conviction deep down in our hearts that certain actions are right and other actions wrong. No great political acumen is required to perceive that, did we but take the wrong path, that path would be made very smooth and easy for us. We could attempt to console our consciences with the thought "It has paid us better, after all, to give way." But we should never be able to forget that we had fallen from our high ideals, and we should have lost our self respect as a people. We may not, at all times, love the gentle Jeroge, or the lively Kavirondo as we should do. But we know beyond the shadow of a doubt, that if we submitted to Indian demands, it would mean the frustrating of the

promise which we made to the Native of Africa, by implication if not in actual words, that he should have his chance to rise in a civilized community. That promise is not necessarily of immediate execution. It may take time to elevate the African. But we have bound ourselves to do what in us lies, in that direction, and we have bound our posterity to follow in our footsteps. We will not break that promise, nor render its eventual fulfilment an impossibility. The answer therefore to the question must be "Yes, we are sure, and we are right!" But it may be asked by the curious in Britain—"Are the Kenya people really in earnest?" We can assure them that they are. It does not need an education in the Morse Code to enable one to read between the lines of the resolutions sent in from the provinces, and to realize the deadly earnestness of those resolutions. And we can thank God that there is still a genuine enthusiasm for the right, and a real earnestness, and a decision to carry out whatever may be best for the common cause. We are thankful to see that all suggestions of hot-headed and excitable manifestation has been laid on one side. We are not out to be cheap and absurd. That would have been an easy play. With reason do we place on record our deep appreciation of the spirit in which the outlying districts have taken up this matter, and of the gravity and seriousness with which they have stated their convictions and their intentions. Our leaders gave the cue and the rank and file of the Colonists, British and Dutch alike, by their immediate and unanimous response, have shown that not one of them will fail to do his or her part in bringing this wretched question to a successful conclusion. That ready response will, in all likelihood, prove to have been a potent factor in clearing away the fog of indifference and want of understanding which has, for some time past, enshrouded the Colonial Office. No custodian, however obtuse he may be, can fail now to understand what is our minds, and what we have undertaken to do.

(FROM THE KENYA OBSERVER)

#### A Notable Precedent.

(X). We direct attention to the letter of a correspondent, signing himself with a modest initial, appearing in another part of this issue. Although the writer has chosen to adopt the veil of anonymity, we have assured ourselves of his bona fides and that he writes from knowledge and actual experience. His letter relates the triumph of the



European community in India in 1882 over the Government of India, supported by the Secretary of State. The story of the bitter wrong which it was proposed to inflict on Europeans, is so ably told by our correspondent that it needs no further comment. The value of the incident lies in the fact that it presents a clear precedent for the action now—forty years later—being taken by the European community of Kenya.

When the Government of India endeavoured to force the passage of the Ilbert Bill with all its obnoxious clauses and proposed indignities, it was thought by the Marquis of Ripon and his Administration that it would be an easy task to carry out their will. But then, as now, those in authority reckoned without their host. They found that they could not rely on their "official majority," nay more, they discovered that the attitude of the Civil Service was in sympathy with the European community. The position had, in fact, reached an acute form,—even as it has in Kenya to-day—when very fortunately for the peace of India, and the dignity of the Government, events so shaped themselves that the objectionable measure was thrown out by the Legislative Council. It happened that there were men on the Government side of the Council who were opposed tooth and nail to the Ilbert Bill, and they voted against it with the result stated. We presume that in those days it was not the practice to coerce members of the Legislature and compel them to vote for Government measures against their consciences, and in event of refusal, to compel them to resign their seats and offices.

The position in India in 1882 finds a very striking parallel in Kenya 1923. Here, we are faced with a dangerous and detestable proposition, the whole European community resents that proposition, and has expressed its unalterable determination to resist it to the uttermost. Stronger language than we are allowed to use, has clothed these sentiments with a stern sincerity which is arousing attention in other parts of the British Dominions and evoking the warmest sympathy with the Kenya European cause.

On Tuesday a protest was made against the design of the Secretary of State to postpone the general election and to—as many think, unconstitutionally—prolong the life of the present Council. That step is being taken, avowedly in order to make room for Indians in the electorate, with a view to increasing their representation on the Council. We were under the impression that the present elected European members

of the Council would make a determined protest against any such measure, but it now transpires that the Bill which is to legalise the ukase of the Colonial Office will not be introduced until to-morrow, and we have every confidence that then it will meet with determined opposition. On this matter we trust that the official members will be given a free hand, without prejudice to their position.

We regard the proposed measure as the thin end of a wedge which is to open the way for further encroachments on the rights and liberties of the people of this Colony. If the country gives way on this apparently comparatively minor point, it will be a very grave mistake.

#### INDIA TO-DAY.

(XI). The communities of India were up to the beginning of the present century, in their own opinion—if at that time they could be said to have had any opinion at all—subject peoples. Now in their opinion they are so no longer—or if so, in any sense, are in a position at any moment to cease to be in that condition. The stages of this rapid change of attitude are marked by outstanding incidents with which we are familiar. The first of these occurred in 1904. During his Viceroyalty Lord Curzon carried out the administrative partition of Bengal. This, it will be remembered, caused a great deal of discontent, and it seems this discontent was the seed from which has sprung the national aspirations of the peoples of India. At the time, the local feelings roused had little or no effect upon the rest of India, and Bengal received little sympathy from outside but as in the case of Latimer and Ridley—“Bengal at the time of the partition, lighted a candle, which Mr. Gandhi trusts will, by God’s Grace, never be put out.” Gradually, the seeds of discontent and national feeling were conveyed all over the Empire. The war made them bloom, and subsequent events have brought them to fruit. The fact that India, impelled by her loyalty to the British Crown, had joined in the war and was sending a substantial earnest of its devotion in the shape of an Expeditionary Force to France, was proclaimed throughout the world. The work of this Indian Army was assiduously advertised in the Press of the Empire, and great stress was laid on the point that it was a spontaneous, independent outburst of practical devotion to the King-Emperor. The voluntary nature of India’s effort was emphasised, and whether there was any truth in the suggestion in letter or spirit such propaganda could not fail to crystallise the nationa

aspirations of large section of the peoples of India. Such views, when expressed without question everywhere, appeared to transform dreams into well recognised and indisputable realities. Further fuel to the flame was added by the introduction of Indian delegates to the Peace Conference at Versailles, by the signature of the Great Treaty by separate representatives for India and by the pious resolutions of the Conference on the subject of self-determination for smaller, and ultimate independence for subject or mandatory nations. So both the War and the Peace flattered Indian nationalism, and then the one thing happened which was calculated to make this fluid sentiment as hard as concrete—Amritsar. The punitive expedition of General Dyer made the peoples of India realise with a shock that, in spite of the flattery, in spite of the high-sounding polysyllabic resolutions there was hollowness in the universal lip service and that India was still under the British Raj, was treated like a naughty child—in fact was a subject people. Indian nationalism was drawn to a head at Amritsar, and from the graves of the fallen rebels has arisen the grim spectre of discontent, disloyalty and sedition. Not even Mr. Montagu's painstaking and panic-stricken attempts to camouflage the position by half-hearted reforms, has given balm to the wound, for it seems the Montagu Reforms have not worked out well in practice partly because of their inherent unsuitability and partly because being in the eyes of the Indian communities inadequate, no one has really taken any interest in them. Sporadic passive resistance and the boycott of the King-Emperor's representative (The Duke of Connaught) followed in the wake of this indifference.

But in the meantime, and on the surface of this main stream, there appeared two eddies which have assumed by now important dimensions.

1. In the opinion of the Mahommedan peoples of India (70 millions) the British Empire broke a pledge in acquiescing in Smyrna and Thrace being torn from the Sultan of Turkey and handed over to Greece. The Mohammedans who fought in the war against Turkey understood that the Sultan, the Khalif, would be left in any case in a position of power and independence. The disruption of his Empire caused by taking away these important portions of it has, in their eyes, reduced the Head of Islam to the position of a puppet, and persumably, the fact that Constantine of Greece, to whom the Allies were hardly under an obligation, is the beneficiary, no doubt poisons the wound they have received. The Mohammedan Pope, like the Christian one, seeks to retain his Temporal

Power and Mr. Gandhi, a Hindu, pledges himself to support this Moham-  
medan grievance.

2. Sir Michael O'Dwyer, in whom the Indian nationalists logically see the originator of the Amritsar affair, had made himself extremely unpopular during his administration of the Punjab throughout the war by his enterprising methods of obtaining recruits for the Indian Expeditionary Forces. He retired with others in like case and they began automatically to draw pensions derived from Indian taxes. The expenditure of money drawn from the Indian peasant, on pensioning the men who so far from recognising their natural aspirations, had taken practical steps, not only to show they had no sympathy with them, but even to try and put them down, has emphasised the subject-people standpoint and has entered like iron into the soul of the Indian Nationalist.

3. By easy stages a third grievance reaches the point for recognition. In an independent community the people have control of the national expenditure. But even Mr. Montagu has not gone so far as this, and now in India we have the cry of the democrat which has echoed down the centuries since Magna Charta. "No taxation without representation."

We leave these eddies for a while and follow to the main stream. At the Imperial Conference, held this year in which India was represented by Mr. Sastri a resolution was passed—which must have satisfied the most ardent Home Ruler in India—to the effect that:—

"This Conference reaffirms that each community of the British Common wealth should enjoy complete control of the composition of its own population by restricting immigration from any other communities, but it recognises there is incongruity between the position of India as an equal member of the Empire and the existence of disabilities upon British Indian lawfully domiciled in some other parts of the Empire, the Conference is of opinion that in the interests of the solidarity of the Common wealth it is desirable that the rights of such Indians to citizenship should be recognised."

This pious resolution, subscribed to by every Dominion in the Empire with the exception of the Union of South Africa, is perhaps the most hollow and hypocritical aspiration to which a conference of high-placed statesmen has ever given expression. They gave with one hand, presumably, because unlike General Smuts, they had not the

courage to withhold, but took good care, so far as each was individually concerned, to take away with the other hand. For the second part of Resolution read :

"The representatives of South Africa regret their inability to accept this resolution in view of the exceptional circumstances of the greater part of the Union, and the representatives of India, while appreciating the acceptance of the resolution nevertheless feel bound to record their profound concern with the position of Indians in South Africa, and hope that by negotiations between India and South Africa, a way can be found as soon as may be, to reach a more satisfactory position."

In other words the Dominions said: "Indians may be equal and may be British subjects, but we won't have them in our countries."

It is understood that General Smuts tried hard to include East Africa in his reservation, but was not permitted to do so. His attempt to proclaim a Monroe doctrine for Africa failed.

Now the resolution of the Imperial Conference from the Indian point of view reads well on paper, but Mr. Ghandi wants more than paper resolutions. This resolution secured the whole-hearted assent of the Home Government, and since Mr. Sastri, Mr. Gandhi and other leaders fully realise that the Home Government cannot dictate to the Dominions, they very wisely and logically leave the resolution alone, so far as the Dominions are concerned. They turn, however, to Kenya Colony, as the acid test of Imperial sincerity. They say in fact to the English Cabinet: "You subscribed to this resolution. You say you cannot control the Dominions. Very well, but you *do* control Kenya, and Kenya is the nearest colony to India, and it happens to be a part of the British Empire to which Indians wish to go. Therefore, prove your sincerity by letting us go there and making us equal subjects of the Empire there in accordance with the resolution you have passed." Thus Kenya has become the test of the honesty of the Home Government, and India, while adopting non-co-operation and boycotting as their present methods of trying to force the redress of the grievances already mentioned, is waiting to see how things go in Kenya before taking the next step. As already mentioned they boycotted the Duke of Connaught when he visited India and represented the King-Emperor last year. His Royal Highness drove through the deserted cities and empty bazars. The same programme has been made for the Prince of Wales, and we wait

with interest to see if this programme will be adhered to. It should be added that Mr. Gandhi promises the Prince of Wales the greatest welcome ever given anyone if the claims set out above are satisfied.

The nationalist party in India is divided into two sections:—

1. The extremists who are in favour of cutting the knot and seceding from the British Empire any moment. In this party one recognises the characteristics of the extremists in all countries. They don't look where they are going and they don't much care where they go so long as they don't stay where they are. They are quite confident of their powers to be rid of the British Raj—but it seems the Indian mutiny, which they contemplate will not be an active one—it will be universal passive resistance and no violence is planned. Small rehearsals of this programme have taken place locally with, it is claimed, complete success. The organisation, for the real performance on the whole stage is nearing completion. This party is apparently also confident that if the issue should really be put to a trial of strength, they would win in spite of aeroplanes, bombs, and heavy artillery. There may be thus much justification for their view—the democracy at Home would probably never consent to the enormous expenditure for men and money which would be necessary to keep down 320 millions inhabitants or one-fifth of the population of the world.

2. The more moderate side wishes to give the British Empire a chance and would like “to join the League of Nations called the British Empire” as a free and independent nation—at any rate for a while. This section sees that the Indian peoples would not be able to rule if the British suddenly withdrew. They may remind themselves of the position of the inhabitants of Britain on the withdrawal of the Roman Legions and fear the country might sink from anarchy to barbarism.

They see the possibility of India once more being overrun by virile peoples racing down the Khyber Pass on to the plains inhabited by the non-fighting communities.

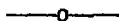
This section would acknowledge something like a debt to the British administration of India but can recognise no longer that they are a subject people. They demand to be made a Dominion and desire a gradual infiltration of all or most administrative posts by Indians.

They are more dangerous than the extremists. They recognise that the principle which Seeley emphasises in his “Expansion of England” may possibly apply to India, *viz.*, a nation which has been in tutelage

to another for a considerable period may wait too long and miss its opportunity of rising, and from the mental and moral anæmia thus begotten be an inferior race for ever.

The Indian Princes as a whole favour the *status quo*, but they would have to come into line with the popular movement or lose their thrones if the British withdrew from India.

It would appear that the nationalists are convinced that the common aspiration for independence has bridged the gulf caused by religious differences—differences which have become less and less pronounced throughout the ages by close association.



#### Mr. Ormsby—Gore and Natives.

(XII) Discussing the general aspect of publicity for East Africa, the "Dar-es-Salaam Times" says.

"Mr. Ormsby-Gore, Under-Secretary for the Colonies, is an avowed Negrophile—he is in fact ultra-Negrophile, to such an extent that he becomes anti-European, in so far as the African Colonies and Protectorates are concerned.

How far his pro-Native and anti-European bias affects the restriction of the publicity of the East African territories, we are not in a position to say, but it inclines one to the view that if European industry and capital can be kept out of these territories—or at all events not encouraged by publicity—there will be more scope for the permanent officials to carry out their dreams of keeping Africa for the Africans, with only those Europeans who may be here in a purely administrative capacity.

We dealt on many occasions with this phase of bureaucratic short-sightedness, if the country's prosperity means anything. Even H. E. the Governor of Tanganyika now admits that European industry, as well as Native, is essential for the territory's development, and that it has his full sanction and encouragement. We believe that he at one time held similar views to those of the present Under-Secretary, but apparently the course of events has proved how unproductive is such an illogical attitude.

It is becoming almost tedious to have to repeat that what the East African territories need for the development of their resources is Capital, Organisation, and Industry, and on a scale which cannot

be supplied by the Natives—to be precise, which can only be supplied by Europeans. To induce this, we must make known our resources and possibilities, and that can only be done effectively by means of Publicity Offices, with “live” men in charge. Display of our resources at the Empire Exhibition will make a splendid supplement but it is not in itself as advantageous as the permanent advertisement of a Publicity Office. Details of the enormous benefits that have accrued to the Union of South Africa since the opening of their Publicity Bureau in London show that from January, 1921, until September, 1922, a capital account to the extent of over three million pounds sterling was attracted to the Union, as the direct result of the publicity propaganda administered in London. Records go to show that capital was derived from advertising done up to the middle of March, 1922. The results act as a direct incentive to further publicity efforts.

The fact that South Africa will participate in the Empire Exhibition of 1924 will not curtail their regular advertising propaganda.

Does one need a chisel and a hammer to drive these facts home to the brains of our rulers?”

## PUBLIC MEETING, SPEECHES AND RESOLUTIONS.

### The Convention of Associations.

(1) Kenya passed a milestone in its history when, at the opening of the Convention of Associations, His Excellency Governor, Sir Robert Coryndon, announced his intention, as a result of communication with the Duke of Devonshire, to proceed to England at the earliest possible date, accompanied by one or two delegates representative of the European community, when the whole situation as regards the Indian question will be discussed. His Excellency suggested that Lord Delamere might be one of the representatives and that a missionary should also form one of the party. He also disclosed in confidence, the recent development of the Indian question.

His Excellency expressed his regret at the absence through illness of Mr. Archer.

The Railway Institute was crowded when His Excellency rose to open the session. In addition to a strengthened representation of associations composing the Convention, the importance of the agenda and the fact that His Excellency was speaking, attracted a large number of members of the general public.



Mr. M. McLellen Wilson, who in his own words was "merely a subterfuge" for the Chairman, Mr. C. Kenneth Archer, occupied the chair in the absence, due to illness of Mr. Archer.

After His Excellency's remarks, the ordinary business of the session was opened by the reading from the chair of the following letter from Mr. Archer:—

The Chairman, Convention of Associations.

Dear Mr. Chairman—I need hardly say that it is a matter of great regret to me that my recovery from my operation has not been sufficiently rapid to enable me to take part in what will be historic Convention.

As you know it has been thought desirable to assemble the Convention in order that we may finally crystallise our position in the light of recent events, and that we may once more enunciate the principles which we intend shall guide the policy of the Colony in relation to the status of the Indians.

Hitherto, what has been known as the Colony's "irreducible minimum" has, in my opinion, conceded to Indians more than we ought now to be prepared to concede to them, having regard to their increasing demands in India, and the deliberate policy, which is making itself more and more apparent every day, of the penetration by degrees of the Colonies and dependencies by Indian subjects. The Irreducible Minimum was adopted by the Convention as its ultimate standing ground because, at the time of its adoption, only a comparatively short period had elapsed since the Colony's acquiescence in the Milner despatch of August, 1920. That was the sole reason for its adoption, but since then we have been faced with such a persistent claim from India on lines entirely unjustified, i.e. entirely at variance with the principles of the resolutions of the Imperial Conference, that it must become a question for consideration by this Convention as to whether we do not add to the provisions of the "Milner" despatch certain safeguards which may be essential to the maintenance of our position in Kenya.

I do not propose to deal in any way with the various details of the subject which will be discussed in Convention; but I do trust that, before the discussion of such details takes place, you or a member of the Executive will give a short resume of the Indian question since the early day of 1919, and that in doing so, it will not be omitted to point out that India is endeavouring to use the resolutions of the Imperial Conference of 1917

and 1921 in a way that they were never intended to be applied *viz.*, to promote the ingress of Indian subjects into the Colonies, and not merely to advance the rights of such as are already lawfully domiciled therein.

Further I trust that whoever may review the Indian attack on Kenya will refer in terms which it deserves, to the "Majority Report" of the Joint Standing Committee of the Houses of Parliament which was issued in July, 1921. You will recollect that the Minority of that committee were strongly of opinion and even went to the length of writing to that effect to the Press in England that the consideration of the status of Indians, in Kenya was entirely outside the functions of that Committee. Apart from this no evidence was ever invited from the Colony or its representatives, though Major Grogan and Lord Cranworth forced the Committee to hear them; and the whole enquiry was conducted in a hole and corner manner which lays it open to the gravest suspicion.

Evidence was offered by two members of our Legislative Council then at home in England and was refused, and one can only assume that the manner in which this enquiry was conducted is indicative of the sinister influences that were working against us in England.

With best wishes for the success of the Convention,

I am,

Yours very truly,

(Signed) C. KENNETH ARCHER.

Thereafter Mr. Wilson submitted his report to the Convention. It was a long document but was accepted and adopted by the meeting without hesitation as an accurate resume of the events since the last session. The report was in the following terms :—

In opening my address I should like on your behalf to record our deep regret that Mr. Archer, our Chairman, is not with us to-day owing to the very serious operation which he had to undergo. With this I would couple our satisfaction at the report received that he is progressing so favourably and trust that he will soon be able to take his place amongst us again. I hope I may be permitted to add that perhaps only those of us with whom he is most closely associated in his indefatigable work for the welfare and in the interests of the Colony realise fully what his absence implies.

Our last Convention Session was held from the 16th to 19th October when many resolutions were passed which gave your Executive much food for reflection and subsequent action. It is not my intention to weary you with the matters dealt with *serialim* as there is a more momentous question which requires our serious consideration to-day. If I may be allowed to do so I will touch upon a few of these which may be of more immediate interest to Members of this Convention.

With your permission, I will now pass on to the more pressing problem, the Indian question. You will remember that at our last session the Chairman remarked that this subject had been relegated to the background of active politics. To show, however, that we were still alive to the menace threatening us, a formal resolution was passed then re-affirming our unalterable attitude as expressed in former resolutions defining our principles and our position. We were waiting for further proposals from the Colonial Office which would merit consideration. It was felt, I think, that we might expect such proposals as the result of the indefatigable work of enlightenment carried on by our two delegates, Lord Delamere and Colonel Griffiths, at the Colonial Office. Mr. Churchill's speech at the East African dinner in London at that time gave us some assurance for the future. However, the terms which were recently sent to this country, and which would be outside my purview to consider here, timely blasted our confidence. The history of this despatch is interesting. It was sent by cable on the 5th and received on the 6th of September last year. Nothing was heard of it by the general community until rumour got busy last month, January. These rumours were so disquieting that your Executive, with certain of our elected members, took action. His Excellency the Governor was informed that we had been promised, assuming that there was such a despatch, that any proposals for the settlement of this question would be put before us for consideration before such would be put, or attempted to be put, into operation. We must assume that it was the intention of the Colonial Office that the change of constitution should be made without any reference to the European colonists in the country as His Excellency was unable to impart the contents of the despatch to us until the subsequent date, confidentially, of course. On the 27th of January, His Excellency kindly granted an interview, in the nature of a conference, to your Executive, the elected members of Council, missionary representa-

tives and certain prominent members of the community. The despatch was laid before us. No great consideration was necessary to convince us that its terms were unacceptable, and after His Excellency's retiral a resolution to that effect was passed unanimously. Having had our attention called to the fact that immigration of Indians to this country had increased during the last nine months of 1922 to 2,888 above the normal, the conference came to the conclusion that no consideration should be given to any terms suggested by the Colonial Office until an Ordinance was passed to control Immigration. It may simplify matters if I give in detail here the resolutions passed at the Conference:—

1. That this meeting is unable to accept the proposals contained in the Despatch from the Secretary of State dated the 14th December 1922.

2. That it be intimated to His Excellency that it be a condition precedent to any further discussion that an Ordinance to control immigration in an adequate manner be passed forthwith.

3. That any person or class of persons deemed by the Governor in Council on economic grounds, or on account of standard or habits of life to be unsuited to the requirements of the country shall be excluded as an undesirable immigrant.

4. That the amount of money to be deposited by an immigrant shall be the same for all classes and races, (with the exception of the indigenous Natives of Africa) and shall be a sum of not less than Shs. 1,000.

5. That an educational test shall be applied to all immigrants except the indigenous Natives of Africa, and that such test shall consist in being able to read and write a passage in an European language to be selected by the Immigration Officer.

29th January 1923.

To His Excellency the Governor

Sir Robert T. Coryndon, K.C.M.G.,

Government House, Nairobi.

Your Excellency,

We have given the proposals sent in the Despatch of the Secretary of State for the Colonies, dated 5th September 1922, our most careful and earnest consideration. We regret that we have been obliged to come to the conclusion that the terms proposed by Mr. Churchill

are so incompatible with the principles which the Europeans of the Colony consider essential to the maintenance of their position of supremacy that it would be useless even to submit them to the Colony for consideration.

We view with the greatest apprehension the largely increased influx of Asiatics into the Colony during the last nine months. While the European Community is engaged in negotiations the Indians are taking advantage of the absence of any restriction of immigration to enter the Colony in numbers alarmingly disproportionate to the number of European immigrants. We believe that our future development on characteristically and distinctively British lines is an impossibility, unless immigration into Kenya is checked immediately.

We view this subject so seriously that we regret we are unable to continue negotiations unless the Secretary of State for the Colonies will agree to introduce, with instructions to you to pass at the forthcoming Session of the Legislative Council, an Immigration Ordinance providing adequate immigration restrictions, including the following provisions:—

1. Any person or class of persons deemed by the Governor-in-Council on economic grounds, or on account of standard or habits of life to be unsuited to the requirements of the country shall be excluded as an undesirable immigrant.
2. The amount of money to be deposited by an immigrant shall be the same for all classes and races, (with the exception of the indigenous Natives of Africa) and shall be a sum not less than Shs. 1,000.
3. An educational test shall be applied to all immigrants, except the indigenous natives of Africa and that such educational test shall consist in being able to read and write a passage in an European language to be selected by the Immigration Officer.

We base our claim for the preliminary settlement by legislation of the qualifications of immigrants not only on the necessity from our point of view of controlling immigration, but also on the terms of the resolution of the Imperial Conference, 1921, on the subject of the status of Indian in the Empire. That Resolution in reality only dealt with the positions of Indians lawfully domiciled in the Colonies and not only refrained from laying down any test of their fitness to enter those Colonies but expressly confirmed the Resolution of the previous Conference that the right of every community to choose its own population was recognised and admitted.

Moreover, the continued immigration of Asiatics in large numbers is gravely prejudicial to the interests of the Natives to whom the Indian offers competition in the lower paths of industry and can do nothing but work against Mr. Churchill's promise on behalf of the late Cabinet that there was no intention on the part of the Home Government to prejudice the future development of Kenya on lines characteristically and distinctively British.

Moreover, we rely on the distinct promises made by Mr. Churchill on several occasions, reaffirmed in his Despatch under review that as soon as the immigration returns justified action, he would take immediate steps to control the Port.

We regard the suggested postponement of the elections—a small matter in itself—as the infringement of a principle of the first magnitude and we beg leave to inform Your Excellency that the following Resolution was unanimously passed at the meeting of representative Europeans to whom the proposals were referred by Your Excellency:—

“That this meeting registers its emphatic protest against the threatened postponement of the elections, and consider that any postponement will be a grave and unwarranted interference with the constitution of Kenya Colony being (as it would be) in direct opposition to the wishes of those on the elected roll of the Colony: and this meeting reserves to the European community the right to take any steps it may consider necessary in this connection.”

The conclusions embodied in this letter are the unanimous views of the representatives of European opinion in the Colony whom Your Excellency invited to consider these proposals and we sincerely believe reflect the opinion of the entire European Community.

We have the honour to be,

Sir,

Your Excellency's most obedient servants,

On behalf of the Convention of Associations of Kenya,

(Signed) C. KENNETH ARCHER,

*Chairman,*

On behalf of the Elected Members of the Legislative Council,

(Signed) DELAMERE.

30th January, 1923

TO HIS EXCELLENCY THE GOVERNOR.

Your Excellency,

We regret that our letter of yesterday's date was not quite complete.

In addition to the tests which it was deemed essential should be applied to all immigrants, it was felt by the meeting that adequate safeguards should be provided to ensure the *bona-fides* of each individual entering the Colony and the Meeting left it to a Committee to draw up the necessary provisions. The Committee has drafted the regulations attached and we beg that Your Excellency will treat them as added to the qualifications which we proposed in our letter for yesterday's date should govern the admission of immigrants in substitution for the existing provisions.

We have the honour to be,

Sir,

Your Excellency's most obedient servants,

On behalf of the unofficial members of  
the Legislative Council of Kenya,

(Signed.) DELAMERE.

On behalf of the Convention of Associations of Kenya.

(Signed.) C. KENNETH ARCHER,

Chairman.

(These are amendments by addition to the clauses of existing Ordinance which defines "Prohibited Immigrant.")

(a) Such person shall within one week from the date of entering the colony of Protectorate afford *Prima facie* proof to the satisfaction of the Immigration Officer that he is not a prohibited immigrant.

(b) In default of such *prima facie* proof as mentioned in subsection (a) hereof such persons shall be deemed a prohibited immigrant and shall be returned to his port of embarkation of the place whence he shall have come and the expense of such return shall be defrayed out of the said deposit and the excess (if any) of the deposit over the cost of the said return shall be repaid to the said prohibited immigrant.

(c) If such proof as mentioned in sub-section (a) hereof be furnished to the Immigration Officer it shall be in the discretion of the Immigration Officer to return the said deposit to the said immigrant or to retain the same for a period not exceeding one year. Should the Immigration Officer within the said period of one year be satisfied that such person is a prohibited immigrant person shall be dealt with as if he had failed to produce the proof required by sub-section (a) hereof.

Another matter requires mention in connection with this Conference, namely, that the Colonial Office so we were informed, suggested the alteration of our constitution to the extent of extending the life of the Legislative Council for the period of one year. This has been done by an amending Ordinance which passed its third reading on the 20th of this month but not before most strenuous opposition had been made by the elected members to this arbitrary action.

Before passing on to the outcome of the resolutions passed by the Conference I should like to call your attention to one very important point. I do not think I am trespassing the confines of secrecy when I say that it seems to me, in fact to us all, that His Majesty's Principal Secretary of State for the Colonies seems to be more considerate of India than of the Colonies which he represents. His agreement is "intended to meet difficulties in India." We have a right to ask "What about the difficulties in Africa?" It will be noticed, of course, that the provisional agreement of the despatch of the 5th September, is the work of Mr. Churchill before he left office, but they have been adopted by the present Secretary of State. Again I believe it is Press knowledge that the suggestion to suspend the Legislative Council election for one year emanated from the Viceroy of India. If it be conceded as principle that Lord Reading has a right to interfere in the policies of the Home Government on behalf of Indians in this Colony, the same concession must be granted to General Smuts to interfere on behalf of South Africans of any other Dominion Premiers on behalf of their own countrymen.

The purport of our resolution on the necessity of controlled immigration was cabled to the Colonial Secretary who in reply stated that he was willing to introduce an immigration clause into his proposals of the 5th September but not as a basis or preliminary to further negotiations. It would have to form part of the settlement. The following letter was thereupon sent to His Excellency :—



10th February, 1923.

To His Excellency,

Sir Robert T. Coryndon, K.C.M.G.,  
Governor of Kenya Colony,  
Government House, Nairobi,

Your Excellency,

We much regret that, owing to Mr. Archer's illness, no reply has been sent to you before on the subject of the Secretary of State's reply to our request for an Immigration Law on certain definite lines as a preliminary to further negotiations.

We are very sorry to note that the Secretary of State has not agreed to our request, and we hope Your Excellency will continue to press him to do so, as we find it impossible to proceed with negotiations concerning Indians domiciled in Kenya until we are secured against the danger of being flooded from outside.

We therefore very much regret that we cannot negotiate any further until a favourable reply has been received.

Judging from the wording of his cablegram the Secretary of State appears to be under a misconception in one respect. We have never agreed to consider the terms sent out by Mr. Churchill even if the Immigration Law were passed first. We cannot consider these terms at all in any event. We agreed to give every consideration to fresh terms, if the Immigration Law were first passed.

A full Convention has been called for the 26th instant, and we believe that our action will be fully confirmed there.

We are,

Your Excellency's obedient servants,

On behalf of the Elected Members of the

Legislative Council,

(Signed) DELAMERE,

On behalf of the Convention of Associations,

(Signed) J. F. H. HARPER, the Chairman.

The matter stands there. We are at a deadlock unless and until wiser counsels prevail at the Colonial Office. It will be for you, gentlemen, to consider what our future action should be. I need not beg of you, for I know you realise the gravity of the situation, to ponder deeply on the effects of any steps which it may be proposed should be taken.

Many concessions have been made by us in the hope of arriving at a solution of this question. But I think that the time has now come to state plainly that if we are forced to stand with our back to the wall, every or any concession made will be definitely abrogated.

The following letter from Archdeacon Owen of Kavirondo was also read to the meeting and received with applause:—

“I have to thank your Executive for the invitation to attend the forthcoming session of the Convention. I am trying to arrange to be present, but it is just possible that I may not be able to. In which case I am very anxious not to appear to stand aloof when efforts are being made of such importance to all.

✓ Briefly my position is as follows :

1. In all our arrangements, treaties and negotiations with Native tribes through Johnson, Lugard, Jackson and many other honoured name amongst us, the White man contracted with the Natives, we have no right in my opinion, to share our responsibilities with a non-white section of the Empire, without the consent of the contracting Native authorities. That consent, I firmly believe, will never be given.

2. We have already compromised the position by admitting non-contracting parties to positions on the Legislative and Executive Councils without removing Native questions, or even all questions even remotely affecting Natives, from the power of their vote.

3. Indians as clerks and as fundis are now, in many instances, standing in the way of the advancement of the Native.

4. I regard as eminently reasonable, as I understand the situation, the request for restricted immigration of Indians.

5. For every Indian member admitted to a seat on the Legislative or Executive Council there ought to be at least two European non-officials appointed by the Crown to represent Native interests. These to be additional, of course, to present members.

6. In view of the fact that we have had no statement of policy for native advancement from the Indians, I wish to quote briefly from a letter written to me a year ago by a prominent under-graduate of Cambridge. He admits my accusation in the *Times* that Indians have had no ideals in Africa save pure commercialism, and regrets that Indians in India do not understand the situation. He goes on to say : “I am

sure Mahatma Gandhi would have welcomed a note to that strain or I am mistaken in him. I am sure the Indians in Kenya would learn about your letter but they are the last persons to transmit such a message to India. They are the guilty persons and they would rather suppress than divulge such an indictment. In such a case you can see that it is useless for me to approach the Indian delegation in London."

The writer felt so keenly the reproach on his Nation through neglect of real efforts for the uplift of the African that, although a Hindu by religion, he offered himself to me to work under me in any capacity that would make for African advancement.

Gentlemen, we have not always done our duty to the African, that we admit. We want to do better but we cannot admit that the Indian can justly claim that he has a right to share with us our rule of African races. The Indian already domiciled here has rights. What the exact limit of those rights I am not clear in my own mind, save that I am sure that any power over native is excluded.

We have a good cause for excluding the Indian from Native affairs. It must win the day. I would counsel moderation of language and of deed, while we all combine to put our case before those in whose hands lies, for a brief time, the decision. With a long pull and a strong pull and a pull altogether, our case must prevail. So I would say, restrict Immigration, remove Native interests from Indian vote in the Council and give generously every right which justice demands that Indians already domiciled can rightly claim.

May I wish that calmness may characterize all that is done and said in all the deliberations of to-day.

You can publish this if you wish."

On being called on by the Chairman, Lord Delamere moved the first resolution which was :—

"That this Convention representing the entire European community in Kenya Colony solemnly affirms its unswerving loyalty to His Majesty the King and its determination to uphold his Empire.

"But, in view of the proposals of His Majesty's Government relating to the Indian franchise in Kenya, this Convention feels it to be its bounden duty to place on record that if in consequence of the ill-considered advice of His Majesty's Ministers his loyal subjects should be forced into action prejudicial to His Majesty's peace and abhorrent and ruinous

to themselves: then the full responsibility for such a calamity must rest upon those advisers who, in their ignorance of or indifference to the true issues involved, shall have advised His Majesty to sanction a policy disastrous to the future of white colonization in Africa and to the welfare of millions of His Majesty's African subjects, and which this Convention believes to be calculated ultimately to endanger the integrity of the British Empire."

Speaking to the motion, Lord Delamere said he thought it right that the Convention should clear the air in regard to the matter. They were all loyal subjects of His Majesty the King but at different times in the history of the Empire, Englishmen had had to choose as to whether they should resist certain actions taken by the Government at home in regard to particular Colonies when certain acts were done which in their view were prejudicial to themselves as citizens of the British Empire or to the country they lived in. They had therefore taken steps which were naturally abhorrent to every Englishman but, at the same time, they had frequently, as in the case of Ulster, reiterated their loyalty to His Majesty and to the Empire as a whole. Those present would remember, Lord Delamere continued, that the present Prime Minister, Mr. Bonar Law, took the side of Ulster at the time Ulster was arming to resist her six counties being added to the rest of Ireland. In the same way the last Lord Chancellor had been actually galloper to Sir Edward Carson, the leader of the Ulster movement. That showed that there were people who had the greatest respect for the constitution of the Empire who were willing, under certain circumstances if driven to it, to take steps they would not have taken under different circumstances.

If anything of that sort was forced upon the European community in Kenya by the ill-considered action of Ministers who did not understand conditions, he asked the people the country that they would, in all their acts, remain loyal subjects of His Majesty the King. In conclusion, he asked that if, as he was convinced it would be, the motion were passed, the whole meeting should stand and sing at least one verse of the National Anthem.

The motion was carried with acclamation and Lord Delamere's suggestion in regard to the National Anthem was agreed to, all standing, while the first verse of the Anthem was sung.

On the suggestion of Capt. Schwartz, the Convention agreed to debate in the first place, before proceeding with the rest of the agenda,

the suggestion that an assurance be given to His Excellency that every endeavour would be made in this country to do nothing during his absence to prejudice negotiations, that their mandate be discussed.

Finally, after a full discussion, the Convention passed a resolution in the following form :—

“ That this Convention gives His Excellency the Governor an assurance that it will do all in its power to discourage and prevent any direct action being taken by the European community during the progress of negotiations in England between his Excellency, the Convention delegates and the Imperial Government provided that no attempt is made by the Imperial Government during that period to raise the issue and provided that if any of the parties break off negotiations this Convention is freed from this assurance ”

#### PUBLIC MEETING AT NAIROBI.

(2) The meeting was organised by the Nairobi Political Association and the chair was occupied by Lord Delamere. Amongst those on the platform, were Mr. C. K. Archer, Mr. H. E. Schwartz, M.L.C., and Lt.-Col. Truscott. In the audience were noticed Maj. Grogan, Mr. Powys Cobb and other well-known public figures.

Lord Delamere in introducing Major MacDonald to the meeting said they had come to listen to his personal experience in India under the new regime. The seriousness of his statement which are facts based on his personal experiences in India emphasizes the danger of any Indianisation in Kenya.

“ As you know we are waiting for further proposals from the Secretary of State for the Colonies, and the Country as represented at the Convention and by the unofficial members of the Legislative Council has said that it will give these proposals its earnest consideration from an Imperial as well as a local standpoint. Major MacDonald's experiences emphasize the dangers which may result if we do not rigidly adhere to the three points or if we make any concessions which do not provide sufficient limitations and safeguards. In fact, Major MacDonald shows us how dangerous it is to let in the thin end of the wedge. The issue is somewhat fogged by negotiations going on at Home, but until we know definitely

whether Mr. Churchill's proposals are acceptable we must not slacken one iota our stand for our rights. Our position is that of the ruling races. We are the only race in the Empire that has proved any capacity for government'"

Major MacDonald then addressed the meeting. He said:

I have been asked to go round and to repeat in fact the message I bore to the Convention from our fellow men of our own race and belief in India. That message I carry by memory. The message is carried by myself and the responsibility must remain mine: I cannot agree that your leader would accept the responsibility for anything I say. I have kept my personal opinion out of this and have rather tried to deal with the opinion of those who know that country better than I. I would say that I went to India not at all with a view to finding anything of the sort, but having landed there I realised for my own sake as an intending settler in this country, I must enquire into the prospects here as I judge them from what I saw in India. I therefore spent my time in sitting down with any man with experience in India whom I could get to talk, whether in the Army, the Police, or the Civil Service, and asked him what was his estimate and how he thought we might be affected here. I have nothing to say in regard to policies in India or here. Policies are not in my line. I merely want to paint the picture as I saw it, and to tell you more their message than anything I may have fabricated or conceived for myself.

On landing in December after the Prince had landed and gone on I was struck by the extraordinarily large percentage of Indians in whose faces was written nothing more or less than hate. From the lowest to the highest—some were well-concealed, others were ill-concealed. I may say that when I left this country—although my father had given over 30 years of his life to that country—I was not inclined to take a very serious view of the position there. But things now in India are different. I landed, in no way prejudiced against the Indian, in fact I was disposed in his favour if anything. But all that my father told me in 1910 when I came back I might expect to see in India was already there. In the streets, one was jostled and bumped and deliberately separated from other people. Formerly Indians were a subject race. Now little things of this sort show how the tide has set. I passed from Bombay to Poona and Nasik and on to Calcutta where my father had

many friends and was well known. From there I went on to Bengal, at Patna and Delhi and then back to Bombay. I did not touch the South of India. I found one opinion only, that we were in measurable sight of losing our hold upon India. The period given differed, but only in one case was it longer than ten years, and that was a business man who had no time to think. That is if the present policy continued. I have heard many civilians say ; 'We are so disgusted that we feel like going ourselves into the bazaar armed and precipitating the crisis to pull the Government together.' I found it impossible to let my wife go out unaccompanied where 18 months ago white women would have been quite all right. . . . . In the bazaar my wife was spat on. . . . . In the Museum in Calcutta, a lady visitor was spat on by an Indian chewing betelnut. A lady driving a car was turned back only a few yards from the main street of Calcutta, while going to the market, by a sergeant of the police who told her that no women would be allowed to go there that day unless a white man was with her and that man armed. . . . . I was told on the best authority that the life of the average man outside the fortified areas was unsafe. This was in January.

I have talked with men in trains, who, after saying good-bye to their wives on the station platform, have told me that there was no security whatever that they would be all right when they returned. Some people may say I am scared. I am not scared of the Indian in the open, but it is a different matter when thousands of uneducated peasants are led suddenly forth by a few fanatics.

I have talked with men in the Army and have not heard a single one suggest that his son should follow him in the Indian Army. They say no son or friend of their shall enter this service. I have talked to men in the Civil Service, and have asked them what is their life's work worth now. They reply, their life's work is worth nothing, it is a waste—it is gone. Why? Because in the last few months the principle of equality has been put into force there, and it has been applied in particular cases.

The person who appeared to be the slowest to see what was going on was a business man. Naturally it is hard to think that a life's work and all the money you have put into a business are to go by the board.

Not one word that I am telling you to-night is false, or untrue. The policy in India now is briefly 'India for the Indians' and if in the Civil Service they can replace a white man by a Indian, providing the can get something like the same work out of him they are doing so.

I can give you facts and figures to support this statement. In India at the present moment the Civil Servant has got to go unless he will sign a document before March 24 that he is quite content with present regime ; in other words, that he is content to serve under a race who two years ago were under him. It would not be worthy of the name of Britisher to sign such a document. The bolder spirits decided to go and accept a pension, but they have never been paid. I asked them if they realised what they were saying that they had no assurance of a pension and these men were then told that they could not yet go and the fact that they have shown their willingness to resign loses them their place for promotion. An officer in the Army will tell you now that he sees no fun in staying in a country amongst a people, whom he despises, because if he shoots into the crowd he is dismissed, and if he shoots over head they get him. You enquire from a policeman in India what is the area he controls, and whilst you are talking to him, he is called out suddenly to a station 40 miles distant. He says he can take out seven armed men against a large body of armed dacoits. You ask him what he would do if there was trouble in the opposite direction. He replies: 'Nothing' The voting of the money for the Police is in the hands of the Indians. They have reduced the pay of the police man so that at one time they had him below the level of the lowest sweeper in their pay. You find in the outer parts of the country a gentleman who has, for instance, an agency for Ford spares. Yet he cannot sell one single Ford spare, the whole lot came in from somewhere else and he cannot sell out. He may even at his own expense—I have heard of it—be keeping two Ford cars ready with machine gun mounting, so that he may at any rate in his own words—have one half hour aiming at those 1,500 to 1 before he follows his wife and children. In one instance 4,000 peasants suddenly attacked a police station led by 400 volunteers calling themselves passive objectors. The police fired blank cartridges, but in the affect the crowd shouted, 'Glory be to Ghandi, the bullets have been turned to water.' They then attacked and burned the whole station with their victims inside, and as any rushed out from the flames they were saturated with parafin and flung back after having been badly battered by the crowd.

You will see what I consider to be the danger there following directly on this doctrine of equality. I do not say that it will ever happen here. This cry for equality is idealism among a few agitators, it is worth nothing to the peasant—to the man who cultivates a plot about the size of this room, who gets his seed on loan, who spends all his life in debt. These



men see no soldiers for months, seeds of discontent are very easily sown amongst them, and this is likely to be productive of the troubles I have described.

I am not personally concerned. I have no friends in India. I wish to discover what the intention of this country is towards the Indian before I settle here. I talked to men who took part in the Central Government of India, and have asked for such things as I have told you. A member of the Legislative Council of Bengal said it was perfectly well known that the life of every man, woman and child is in danger and that there is no adequate protection. A prosperous business man in Calcutta writes saying he is willing to throw up his business and put his weight into this present battle.

There was a fierce debate in the Legislative Council in Delhi to pass a vote of censure against Mr. Churchill in reference to his pronouncement at the East Africa Dinner. The gentleman who got up and moved the motion read out 48 pages or so of typewritten stuff that the Indian was in this country first and owned the country by every right moral and otherwise.

There were found two men in that Assembly to speak on your behalf. I had a lunch with them to tell them something about it, and although they had no facts they agreed on principle they could not allow it to pass unopposed. Everything they said in the House was laughed and jeered at by Indians who were in a vast majority.

The Government of India at the present moment is an Indian Government. I have never heard anything like it in my life before, and I hope I never shall again; the result was unanimously a vote of censure was passed, on Mr. Churchill for promising you what you have been promised.

I find that there were probably two methods of attack. One *via* the Immigration Bill which is now passed. They will not now send you if they can help it the fund and the soldier; they will try to send such a man as will pass any civilised test which you can in the ordinary way put up. The other way to Indianise this country will be to send money and so to establish schools and increase education, that those who are here, if not in your time, in the time of your children may pass which a modern Government may set up for civilised men.

I have personally no doubt that is their intention, and the Indian has certainly qualities which we have not. Patience is one of them, and another, extraordinary organisation. That the whole of India should be called out at the back of one man who is the heir to the Empire, that he was able to close every shop, to leave the refuse on the streets, to take away all means of conveyance, and even to take servants from their masters for a whole day—that is a token of respect for our Prince.

They say definitely that it is what the Imperial Government in the matter of full equality of citizenship means to be the fate of Kenya and the fate of yourselves and myself. We shall have to fight this thing out—the Indian in this country stands something like three to one—if the money is forthcoming, and the intention be still there we can turn them out. They are a distinct menace to our children. May they not in time when civilised man has become a sort of ordinary thing, when all distinctions of race and colour are replaced by other things like money—may it not be then that these three to one may swamp us? That is the danger I wish to bring to your notice clearly; I know the intention is there; I know they will leave no stone unturned, no method not adopted to attain their object here.

The British race do not easily band together, but when they do start on such a thing as this they will push it through to the end. The Indians are saying: 'If we may not attain our end constitutionally why may we not in the ordinary way of business buy from the white man in the open market; we know that the poor down trodden settlers of East Africa are broken; that they would willingly sell their farms, and we would pay them anything they wanted; may be we not therefore compete in the ordinary way of business.'

I have reason to believe that certain men of our own colour even assist in such a programme as that, I say it seriously, I know it to be true; there is no question about it, the offer would appeal to many in these straightened times.

I consider the dangers are so real and huge that there is no sacrifice too great for any of us to make to save the inheritance carried on by our fathers—the birth-right of the British nation—to hand down to our sons and daughters as our fathers handed it on to us so that the honour of our fame as builders of an Empire such as the world has never seen before, may remain unimpaired. I cannot speak too strongly on this subject, it lies very closely to my heart.

At least India belongs to the Indian—there he is in his own country but the question of his claim here is another matter. You all know the claims he brings up you all know how impossible it is to prove any one. I met a man from the India Office who said to me: "How is it men like you having no money refuse to vote for men like Jeevanjee?" I have only one answer: I would not because I am the son of my father.

So far as I know in the country of adoption the Indian does not stand a hope. There is no sacrifice we are not prepared to make to prevent the Indian achieving his ends. I see enough everywhere to satisfy me that on this one subject people realise that we cannot afford to split. But unless we white men in Nairobi can stand shoulder to shoulder and make a solemn vow, I do not think there is much hope for our children.

I do not want to keep you much longer, but my purpose here to-night is to see for myself if a meeting like this will unanimously register its determination to oppose any such imposition. I am one of yourselves and I have seen enough recently to know definitely and assuredly that the burden of fighting these matters is in the hands of a few men—representatives and delegates—whom you must trust whole-heartedly. They are working hard on your behalf and as your appointed leaders you must support them. One thing is necessary and that is that we should be united. I have seen people writing to the paper criticising the leaders—it hurts me to see such articles appearing in the paper at a time like this. Accept the leadership of those you have appointed yourselves, support them in every way you can and rest assured that your future in this matter is perfectly safe. The time may come when they will ask of you far more than they ask now. Will you lay a set sum aside in a matter that effects your pocket and on a principle—for your children's sake if you like. If you believe in the future of our race—and no man lives to himself—there should be no sacrifices too great, when you are called upon to make them. It is your duty to put the Indian exactly where you want him in a position of usefulness. I should now like to read a form of resolution which I have been asked to put up at this meeting.

The resolution was as follows :

"That this public meeting of the European community of Nairobi warned by the state of sedition and licence which an inappropriate policy has brought about in India by the straits to which their fellow country men and women and the loyal natives are thereby reduced registers its

determination to oppose the imposition on this country of any policy which does not contain sure safeguards against the possibility of the European and African peoples of this country suffering a like fate to that of these peoples". (Loud and prolonged applause.)



#### MEETING OF EUROPEAN SETTLERS AT OLU.

(3) On Monday July 3 under the auspices of the Ulu Settlers' Association, a meeting of the Europeans of the Machakos district was held to hear Major MacDonald's address on the Indian question. About 35 people were present including ten ladies.

As the result of having lived in India before the war and of having recently visited that country, Major MacDonald was able to show what great changes have taken place in the attitude and policy of the Indians in India during the last few years.

After describing some of the grave events which have occurred recently in India he pointed out that Indians propose to make Kenya the acid test of the announcements of British Ministers at the Imperial Conference on the subject of equality of citizenship throughout the Empire, and detailed the methods by which Indians are determined to apply that test.

He warned his hearers against the danger of allowing an educational standard to be established as a qualification for the exercise of the franchise by Indians—an arrangement which would enable India to flood this country with individuals qualified in this, but in no other respect for citizenship. He further drew attention to the unfortunate possibility of the existence of white men capable of acting as agents for the dissemination of Indian money for propaganda purposes in Kenya.

At the close of the address, the following resolution was proposed by the chairman and passed unanimously :—

"This public meeting of the Europeans of the Machakos district of Kenya Colony warned by the state of sedition and license existing in India, and by the straits to which an inappropriate policy has reduced their fellow country men and women and loyal natives, registers its determination to oppose the imposition here of any policy which does not contain sure safeguards against the European and African peoples of this Colony suffering a like fate".

Monthly banker's orders to the value of over £ 5 were collected and other amounts promised in aid of the propaganda fund.

#### PUBLIC MEETING OF THE THIKA DISTRICT.

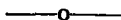
(4) A very full meeting of the Thika District Association was held on Friday last. Commander Lawford was in the chair, M. C. Kenneth Archer addressed the meeting for over an hour. The meeting was characterised by a deep and great earnestness. There was little discussion. The following resolution were put to the meeting and carried unanimously :—

1. "It is unanimously resolved that, in view of the rumours and reports which have been spread widely throughout the country to the effect that Indians were to have been or are to be granted rights in Kenya by the Colonial Office, and because it is realised that rumours and reports are harmful to the settlement of Kenya and tend to prevent the introduction of capital without which the Colony cannot progress, we therefore urge most strongly that an immediate settlement of Indian claims should be sought on the lines of previous resolutions passed at Convention sessions and constituting what is called the Magna Charta of Britons in Kenya, no compromise on which is to be sanctioned; and further, should a settlement of this question at variance with the Convention resolution be forced on this country against the universal wishes of the white population, the white inhabitants of this District pledge themselves to resist such measures by all means in their power".

Proposed by Mr. Hawtreay and seconded by Commander Lawford.

2. "That this Association unanimously requests that when the Indian franchise and rights are discussed in Council voting shall be free, and official members free to vote according to their consciences without prejudicing in any way their official careers."

The above resolution was proposed by Major Grant and seconded by Commander Lawford. It was carried unanimously.



#### MEETING OF THE MOLO SETTLER'S ASSOCIATION

(5) The Molo Settlers' Association held a meeting at Molo on January 31, to discuss the Indian question in Kenya Colony when the following resolution was unanimously passed:—

"It having come to our knowledge that a despatch has recently been received from the Under-Secretary of State for the Colonies proposing to give the Asiatic community equal political rights with the European Colonists, we, the European Settlers of Molo in public meeting here assembled, protest in the most emphatic possible manner against any attempt to enforce such preposterous proposals.

"Should any such attempt be made we, realising that we have exhausted every constitutional method to prevent such a catastrophe, hereby pledge ourselves to support the Central Committee in any action as foreshadowed being carried into effect.

"We conscientiously feel justified in taking such action for the following of many reasons :—

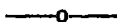
"(a) That such a policy would mean the domination of this Colony in which we have been induced to make our homes, by a subject race of Orientals many for whose creeds, ethics and customs are repugnant to Western Civilisation and who have not proved themselves capable of governing their own or any other race.

"(b) That it would be the greatest betrayal of our trusteeship to the Native races to impose upon them rule by a race whom they despise and, whom but for the protection afforded by the Europeans they would exterminate from the country.

"(c) That already Asiatics, owing to the unrestricted immigration allowed them, have prevented the natives from taking their proper place in the economic development of their own country, by flooding the country with carpenters, mechanics and other artisans employments which should rightfully belong to the natives of the country.

"(d) That we are convinced that the large majority of the Indians in the Colony are contented with their lot under British rule and that the agitation for 'equal rights' is only being engineered by a comparatively small number of extremists for their own glorification.

"(e) That the local Indians, who are now clamouring for 'equal rights' took no active part during the late war in the defence of the Colony in which they now wish to govern".



#### NOTES FROM NAIVASHA.

(6) The principle topic of conversation in the District is, of course, this vexed Indian question, and the general feeling is that the matter

should be dealt with once and for all, and settled finally. From the attitude of the last meeting on this subject the District is prepared to go to almost any length, if really necessary, to resist any attempt on the part of the Imperial Government to treat this country as a pawn in the game of Eastern Politics and to treat us as a sop to India, which after all would only probably result in India becoming more avaricious and discontented.

It is not likely that Kenya or half a dozen colonies, are going to bring peace to India.

A true indication of the feelings of the Districts is to be found in the fact that the majority of the residents are declining to deal any longer with Indian dukas, and also that most of those who have Indian tenants are proposing to give them notice. No animosity is left towards the local Indians personally who as a rule are most obliging, low-abiding and pay their rents regularly, though their carts, having such narrow wheels, and being so badly constructed and driven ruin the roads but the action of their extremist leaders has put everyone's back up. We wish to show the Indian generally that as an equal, we do not want him, and what is more will not have him.

#### PUBLIC MEETING AT LONDIANI.

(7) There has been great excitement in Londiani as in other places over the Indian crisis. On Saturday, January 27, a public meeting was summoned at short notice in the hotel, to which nearly thirty people came. It was at first proposed to pass a resolution on the lines of that passed at Limoru, but it was afterwards decided to wait until the meeting to be held on Tuesday, at which Mr. Powys Cobb and General Wheately would speak, before forwarding any resolution to headquarters.

On Tuesday, January 30, a public meeting was held in the hotel which was attended by nearly forty people, including a number from Maji Mazuri and the Uasin Gishu Railway. Mr. Morgan, of Kericho, was voted to the chair. The speakers were Mr. Powys Cobb and General Wheately.

Mr. Powys Cobb spoke of the disquieting news which had leaked out of the granting of all the Indian demands. He outlined once again the dangers to the country if the Indians received equality with Europeans. Equality meant domination, and that meant disintegration of the Empire, as this country would become a mere dependency of India.

In answers to questions he defined "the irreducible minimum" and stated that the Indian agitation was engineered by a few extremists. A resolution was then read out re-affirming the determination of the settlers of Londiani and Kedowa to resist to the utmost the preposterous Indian claims.

Capt. Preston proposed an amendment, asking for time and opportunities for discussion, suggesting the Milner scheme as a basis. Miss. Buxton seconded. Capt. Preston accused Mr. Cobb of misrepresenting facts. He was frequently and angrily interrupted, but was able to conclude his speech. A heated discussion followed.

Major Drout spoke in support of the resolution and had some bitter things to say about a "Wait and See" policy.

General Wheately then spoke. He urged his hearers to abstain from acts of violence and invited them to pass the resolution which has been passed at similar meetings throughout the country to be forwarded to the Government, promising to abstain from all violent and irresponsible action. The resolution was then passed unanimously.

Mr. Cobb appealed to all present who had not registered as voters to do so at once.

*The meeting ended with a vote of thanks to the speakers.*

#### PUBLIC MEETING AT ELDORET.

(8) To-day's meeting was a revelation. Writing with it fresh in my memory I feel that I have been witness to the inception of a great national movement. At least there was some indefinable element about it that I have never associated with any other meeting held in the district since I knew it. An element of greatness with possibilities that one hardly foresee.

In point of numbers it was far and away the biggest meeting that has ever been held in the district for any purpose. And this is all the more to be wondered at when one remembers that there were less than two days in which to organise it—if the word 'organise' can be used in the circumstances. It might almost be described as a spontaneous gathering. News of the serious developments in connection with the Indian question only reached us late on Tuesday afternoon. The local political committee (recently formed for the purpose of convening public meetings when necessary) immediately got to work—or rather the town



members did—and by mid-day yesterday the news was spread far and wide, and to-day's wonderful gathering was the immediate result.

In two other respects the meeting is deserving of notice—its thoroughly representative character and the number of ladies present. To describe a meeting as of a thoroughly representative character conveys very little meaning in this country to-day, so much has the phrase been abused; but it is strictly correct to speak of to-days' meeting as thoroughly representative. All classes, creeds, sections and interests were represented to the full: farmers, business men, lawyers, British, Dutch, Irish, American.

The term 'farmers' covers such a diverse range of people that one could not cover them in a page of description: soldiers, sailors, and men trained in a variety of professions and callings. Naturally the soldiers predominated, ranging in rank from privates to generals. One may safely say that at least we shall not be short of soldiers in the movement of the future. The large number of ladies present may be taken as an indication that the problem of the country's future has now reached a stage when our womenfolk feel that they cannot afford to be left out of consideration. And rightly so. The proposals now casting a shadow over the country in some respects affect our women folk even more closely than the men.

Probably the outstanding feature of a remarkable meeting was the strength of the Dutch element and its enthusiasm. The Rev. Mr. Loubser, the Dutch padre, kindly acted as interpreter, and due largely to his assistance the whole proceedings were made perfectly understandable to every one present. Whatever doubts some of us may previously have had as to the attitude of the Dutch community over this question, we now have none. By their presence and enthusiasm they have made it clear that they are with us whole-heartedly. That they appreciate the full significance of the efforts now being made to thwart the destiny of this country and that they are equally determined to meet it in the spirit which one might expect of a race with their traditions is now plain. Whatever one may think of the Dutch, one must acknowledge that they have never taken the primrose path to the neglect of duty. Theirs they have won by their toils in Kenya.

But they are facing the situation with a determination that commands our admiration. As one member of the community said at the meeting: "We did our share in the late war and got very little thanks for it. And now we are being handed over to Indian domination."

In view of the grave issues at stake one would have expected the speeches to be of an impassioned nature. The absence of flamboyant oratory or anything calculated to stir up blood was remarkable. With the exception of one speech they were more in the nature of cool calculating statements such as one would expect at the meeting of a board of directors of a business concern. Colonel Swinton Home proposed the most important resolution of the day in a quiet, grave statement which made deep impression on his hearers, and it was seconded with a brief statement by Major Arnoldi.

It was then spoken to by several speakers in Dutch or English (to Rev. Mr. Loubser acting as interpreter) and when put to the meeting was carried unanimously with acclamation. The only other resolution was one pledging the meeting individually and collectively to abstain from irresponsible acts of violence, and this was also carried unanimously after several speakers had emphasised its necessity.

The next move lies with the Government. Our minds are now made up. If the opposition thinks that our cause will be damaged by inconsiderate action it is doomed to disappointment. We are keenly conscious that in this grave matter our strength lies in showing a solid, disciplined front, and our leaders can rely not only on receiving our fullest support in whatever action they may deem fit to call on us to perform, but also on our doing nothing that is not in accordance with their views. In such resolve lies our conviction that success will be ours in the struggle.

#### MEETING OF KAIMOSI SETTLERS.

(9) The following telegram, signed by the Secretary of the Kaimosi Association, has been received :—

At a meeting on the Indian question, Kaimosi Europeans passed the following resolutions with no dissentients :

“ We support the Convention’s irreducible minimum and in the event of failure of constitutional means, we will resist the imposition of other terms by every means in our power.”

“ We also pledge ourselves to refrain from, and to do utmost to prevent others doing any irresponsible act of violence towards the Indian community.”

# PUBLIC MEETING OF NYANZA PROVINCE.

(10) The largest meeting of Europeans ever held in the Nyanza Province took place at Muhoroni on Sunday last, the 28th instant, to discuss the latest developments of the Indian question.

Lt.-Col. S. H. Charrington presided.

Everyone present realised the seriousness of the situation and after numerous questions had been put and satisfactorily answered the following resolution was put to the meeting and carried unanimously :—

(1).—"It having come to our knowledge that a despatch has recently been received from the Under-Secretary of State for the Colonies proposing to give the Asiatic community equal political rights with the European Colonies we the European Settlers of Songhor, Muhoroni, Koru and Fort Ternan in public meeting here assembled protest in the most emphatic manner possible against any attempt to enforce such preposterous proposals."

(2).—"Should any such attempt be made, we, realising that we have exhausted every constitutional method to prevent such a catastrophe, hereby pledge ourselves..... in order to prevent any such action as foreshadowed being carried into effect."

(3).—"We conscientiously feel justified in taking such action for the following of many reasons" :—

(a) "That such a policy would mean the domination of this Colony, in which we have been encouraged to make our homes, by a subject race of Orientals many of whose creeds, ethics and customs are repugnant to Western civilisation and who have not yet proved themselves capable of governing their own or any other race.

(b) "That it would be the greatest betrayal of our trusteeship to the native races to impose upon them rule by a race whom they despise and, whom, but for the protection afforded by the Europeans, they would exterminate from the country."

(c) " That, already, Asiatics, owing to the unrestricted immigration allowed them have prevented the natives from taking their proper place in the economic development of their own

country by flooding the Colony with carpenters, merchants and other artisans, whose employments should rightfully belong to the natives of the country."

(d) "That we are convinced that the large majority of Indians in the Colony are contented with their lot under British rule and that the agitation for 'equal right' is only being engineered by a comparatively small number of extremists for their own glorification."

(e) "That the local Indians, who are now clamouring for equal rights, took no active part during the late war in the defence of the colony in which they now wish to govern."

—o—

#### PUBLIC MEETING AT NYERI.

(11) A public meeting was held on Sunday 21st instant at the White Rhino Hotel Nyeri to discuss the critical state of affairs which had arisen on the Indian question.

Though called at very short notice, the meeting was very largely attended, people from fifty miles round being present.

Mr. Evans was in the Chair, and the meeting showed itself unanimously resolved to resist by every means in its power the enforcement of an act of settlement which threatened to hand the Colony over to Asiatic domination, and also bound itself to the strictest discipline to achieve that purpose.

#### SETTLERS' MEETING AT LUMBWA.

Lumbwa, January 29, 1923.

(12) The largest and most representative meeting ever held at Lumbwa took place this afternoon to consider the Indian question.

The tone of the meeting was calm and resolute. Nobody present could fail to be impressed by the complete unity shown by the speakers, representing many portions of a widely scattered District.

The outstanding feature of the meeting was the determination shown by all present that this vital question must be settled without further delay (as suspense is ruinous to the Colony), that the settle-

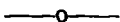
ment must be final and to be final must be accompanied by safeguards and that the only effectual safeguard is to be found in the grant of a large measure of self-government.

The following resolution was passed unanimously :—

“Should legislation be introduced into this Colony giving any political rights to Indians further than those laid down by the Convention of Associations in June, 1921, as being the ‘irreducible minimum’, this meeting of the European community of Lumbwa, Kericho and Sotik pledges itself to frustrate such legislation and if necessary to . . . . . to prevent its being carried into effect. This meeting demands that the status of Asiatics in this Colony shall be settled forthwith and further demands that such settlement shall be accompanied by safeguards which will ensure the finality of such settlement.

“In view of the fact that pledges given by the Colonial Office cannot be relied upon and that the Home Government obviously intend to use Kenya as a pawn in the game of Indian politics, this meeting is of opinion that the only effective safeguard for the European and Native communities of this Colony is the establishment of a large measure of self-government of which an unofficial majority in the Legislative Council may be regarded as the first instalment.

“This meeting is further of the considered opinion that no settlement of the ‘Indian question’ which will be mutually agreeable to both parties can possibly be arrived at.”



### III

#### LETTERS FROM CORRESPONDENTS.

#### THE “EAST AFRICAN STANDARD.”

*February 3, 1923.*

(1) “In the 20th Century when in England our sex are doing noble work on School-boards, Municipal Councils, hospital boards and in every sphere in which their knowledge and influence are invaluable, we in Kenya are threatened with Indian rule.

Do our sisters at home realize what it would mean?

Live side by side with the Indians and under their rule! Such a prospect is unthinkable! To be ruled by a race of polygamists, a race who practise Child-marriage and a race whose ideas of marriage are what?

We want our divorce laws reformed and equality between the sexes. Their treatment of the widows of their own race shows only too plainly the Indian idea on such subject—often mere children in years, these helpless unfortunates become the drudges of the household and the common property of the male members. Again in illness what is the lot of the Indian woman? Fortunately our Zanana Missions have to some extent ameliorated their sufferings.

Happier, far happier is the Kikuyu woman. Anyway she lives, in an open and not in the morally and physically foetid atmosphere of a zanana, also though she is a chattel she is a valuable chattel and for that reason she receives some consideration from her owner—he has given many cows and goats for her.

#### AN ENGLISH WOMAN.

—o—

*To The Editor, "E. A. Standard."*

(2) Sir,—As you so kindly allowed me to express my views at great length in your issue of January 27, I hardly like to trouble you again, but I feel I should like to thank you for two things. First, there was your article on John Hampden. I thought it was excellent and most timely. It will keep in memory what may be forgotten, that the Indian question is essentially a religious one, and I venture to most fully endorse as being most true, those words which you think he would utter concerning the crisis here, "You stand, gentlemen, for God as well as king. Equal rights with a heathen nation is an impossibility. To propose it is an attack on religion. You owe it also to the tribes of Africa to give them the best which is in your power to give. To give them anything less than a Christian civilization and a Christian example would be wrong." Well, sir, thank you sincerely for putting those high ideals in the forefront of the battle here.

In the second place may I thank you for publishing a photo of "our custodian" The photo itself does not perhaps do you so much credit as usual, as it is not over clear in the copy which reached me, but it is sufficiently good to make me feel that our custodian is a gentleman whom I have had the pleasure of meeting several years ago, when he occupied a humble position under the Board of Trade, probably his first post under Government. It was the reminiscence of that meeting which prompted me to write so much in my lengthy letter about "breed,"

because Mr. Gore then in his official capacity made an amusing mistake about a certain breed of pigs which I kept, mistake which caused me to ask myself "what on earth do you know about your business" and it is curious to find that once again when exalted to a high post under Government, he seems to me to make a similar mistake concerning breeds, and I am once again forced to ask myself, "what do you know about the various breeds of men in Kenya."

The photo which you have published has enabled me to write to Mr. Gore reminding him of the little mistake he made in days gone by about the breed of my pigs, a mistake which I was obliged to correct, and I am telling him that I venture to think he is making now a similar mistake in not being able to distinguish between the various breeds of men in Kenya. I need not trouble you with this letter for publication but I enclose a copy for your private edification or otherwise.

But as I am writing you, there is just one thing on which I think it would be well to have a little enlightenment if possible. Could you get any authoritative information as to the number of applications for land which the Land Office have received in the last few years which they have been forced to turn down because they have been held up by the Home Government, in not being allowed to part with a single acre, pending the settlement of the Indian question.

Two years ago I applied for a few acres of land at Nyeri, and was told that the Land Office here could sell nothing, and others, whom I know, have recently received a similar reply.

Just fancy, the Land Office of this Colony held up for over two years at least, unable to sell land to individuals, all because the Colonial Office at home has not made up its mind. Two years of thinking and talking, two years of holding up this Colony, when so many have been wanting land, two years of keeping back settlers and capital! No wonder Kenya has not gone ahead very rapidly.

Just one fact like this is enough to condemn for ever the policy of ruling a Colony from Downing Street. Will you, sir, kindly tell me what benefits the Colony receives from Downing Street to counteract such a hindrance to progress at this? But it is folly like this which makes me hope all the more that our elected Members, at least, will insist upon an immediate settlement of the Indian question, so that Kenya shall no longer be hung up in regard to land settlement.

A fact like the above should strengthen the hands of our elected representatives in demanding Home Rule for Kenya, and I cannot but think that many, if not all the official Members of the Government, must feel that they are in a somewhat humiliated position under the thumb of Downing Street, when they have no power to deal with land settlement, and they have been forced to turn down many suitable applications for land, all because they were not allowed to use their discretion by the Colonial Office at home.

Beyond doubt there seems to be a growing disposition to give greater freedom of action to the Colonial authorities, and our Legislative Council will never have a better opportunity than the present to insist on having greater powers of freedom, in a word, Home Rule for Kenya.

Yours etc.,  
W. H. SHAW.

—o—

Lamourya, Nyeri,  
January 30th. 1923.

The following is a copy of the communication that the Rev. Mr. Shaw has addressed to the Under-Secretary of State for the Colonies and to which he alludes in his letter printed above :—

To

W. ORMSBY-GORE, Esq., M. P.  
HOUSE OF COMMONS,  
*Westminster, London.*

DEAR SIR,

I have seen with much interest a photo which has been published in the Nairobi press which purports to be one of you. It perhaps is not the clearest and the best specimen of a printer's art, but it is sufficiently good to make me think it represents a gentleman whom I had the pleasure of meeting years ago, and from my recollection, I cannot help thinking that you, who now fill the responsible post of Under-Secretary to the Colonies, are one and the same whom I met in the autumn of 1907.

At all events the one I met then was a nephew of the famous Bishop Gore, he was very like the photo which lies before me as I write, and so I take you to be one and the self same being. I have never forgotten you because you made a very amusing little mistake which



impressed itself on my mind, and made me wonder, "What on earth does that fellow know about his business," the very same question which presents itself to me now in regard to your present post.

I was then holding the living of Stapleton, near Bristol, and was living at Stapleton Park. There had been an outbreak of Swine fever in the district and H. M. Inspector of Pigs under the Board of Trade then living in Birmingham came and visited me to inspect my pigs. My recollections of the individual is that of a young fellow not long in Office, with all the charm and grace of an English gentleman, not long left his University, and I had a sense of pleasure in meeting one who was connected with Bishop Gore, whom I had never met, but whom I had the pleasure of meeting some 15 months ago at St. Jean De Luz in the S. of France.

As I prided my self that I had a very fine herd of large black pigs, which had been founded by a purchaser of a winner at the Royal Agricultural Show, a sufficient testimony as to the purity and excellence of the breed, and knowing that my black beauties were in perfect health at the time I was only too pleased to exhibit them there.

I took you into my yard, where a dozen fine sows were lying about but what was my astonishment when you turned to me and said, "What a fine herd of *Berkshires* you have here." With all respect and humility I had to tell you that my pigs were not *Berkshires* but large *Blacks* of the purest breed, but I could not help wondering: "What does he know about his business when he does not know the difference between two such well-known breeds as the *Berkshires* and the *Large Blacks*."

Now it is exactly the same thing which I have asked myself a good many times of late when I heard that you had proposed to grant equal political rights to the Indians here which the British settlers enjoy. To treat alike two breeds so very different, in so many points which shows an ignorance which is deplorable, for while the ignorance of old as to the pigs was a matter of no moment and was only amusing, it is a most serious mistake for any politician at home to treat alike Britons and Indians here. You can no more mix the breeds politically than you can socially and any attempt to do it is doomed to failure.

And because any nephew of such a man as Bishop Gore must have respect for the teaching of that fine politician, St. Paul of old, I cabled to you on St. Paul's day asking you to refer to 2 Cor, 6 verse 14-18.

"Be ye not unequally yoked together with unbelievers. What concord has Christ with Peilal. (Mahomet) &c." Britons and Christians must rule here, and any attempt to force equality where none exists is doomed to failure. Not till India and not till Africa acknowledges Christ can there be any talk of equal political rights for not till then can there be similar ideals an aim.

Now, Sir, let me strongly urge on you not to forget that there are very strong and marked differences between the breeds out here, such differences which if not recognized or forgotten will lead any politician at home into wrong and hopeless policy.

I only add that I have started four of my children here, and had written to two more suggesting their coming here, and this would mean more capital coming into the country, but when I heard of your proposals, or shall I say, reputed proposals, I felt compelled to say, do not come if there is any risk of Indian control here.

I most sincerely hope that with the strong representations from your own flesh and blood out here, we shall soon hear nothing more of equal political rights. In the last year I have paid hundreds of pounds to Indians, showing every other Briton out here, the Indians are well treated by the Britons here.

If I have made a mistake about you, and you are not the nephew of Bishop Gore, who most certainly paid me a visit in the autumn of 1907 and made the amusing mistake about my pigs, I can only offer my humble apologies, but in any case you have made a similar mistake in regard to not recognising the marked differences between the breeds out here, the British, the Indian and the African. The same characteristics mark the British breed here as at home, *firm determination to rule free from the domination* of any other race, German or Indian, the same love of fairplay and justice which has done much here for the Natives as in so many places elsewhere.

You may trust you own breed here to uphold the British honour and British ideals, for the men who are here have for the most part merited the greatest confidence for they have so strenuously upheld British honour on a thousand battlefields. Give the British here Home Rule, trust them, and do not fetter them with Indian ideals and Indian creeds do not worry them by interference thinking that you who have never been

here known so much better than they do and it will not be long before Kenya will be the brightest gem in the Crown of our King.

Believe me,

Yours faithfully,

W. H. SHAW.

### "BOTH PARTIES."

To the Editor, "E. A. Standard."

Sir,— "Both parties"! "Acceptable to both parties"! These words are from the Colonial Office communication published on the 3rd instant. Was ever a British Colony so insulted by the Colonial Office? "Both parties"! Are the British settlers of Kenya to be classed with the Asiatics, imported for pick and shovel work, a people alien in mind, colour, religion, morality and practically all the qualities Europeans regard as necessary for constitutional citizenship? Such official contempt, ignorantly offensive or intentional, is to be warmly resented.

As to "the settlement of the whole problem" there is no "whole problem" There must be no going back from the Imperial Bill of Rights voiced by Mr. Churchill. Any infringement would be false dealing; would be a betrayal of the settlers. It would be a breach of faith of the Imperial Government; it would justify repudiative action and it would evoke the indignation of the Empire. There must be no fast and loose play with the vital interest of the Colony.

But there is a most serious blot on this Bill of Rights, namely, the cause permitting Indians to enter the Legislature as nominees. Never should it be forgotten that the agitation (locally fictitious) comes from turbulent India. The granting of this privilege, unknown in the British Empire, would provide a fulcrum for immense potentialities.

It might lead to the creation of a second India in practically the Pacific to join Egypt in the future, where at present our English officials are being freely assassinated, and of course, until such eventuality the Indian foot in Kenya's political doorway would provide constant opportunities for pin-pricking the Home Government.

Give India such an inch and without ceasing she will claim ell. In this direction political alliance in any shape whatever with India—now, in the opinion of many, on the way to ruin carnage and disinter-

gration— should be severed root and branch. India should be flatly told :—Hands off Africa!

That emphatically, is the right policy for the far-flung Empire ; Kenya settlers in their effort to rid the Colony of this Asiatic nightmare are working magnificently for the Empire at large, though possibly many of them don't realise it. Once rid of that nightmare, the jibe that we are "a pie-bald settlement run by India" will lose its meaning.

Then will financial men have confidence in our future, then will prosperity come ; and then, last, but not least, we shall be able to give our Natives the protection from the evil influences (leading recently to a hundred casualties) which is morally their due.

Yours etc.,

H. RYLE SHAW.

*To The Editor, "E. A. Standard"*

Ruiru, 3rd February.

Sir,— The firm and consistent attitude of the *E. A. Standard* in this Kenya India crisis, I am sure, has the warm appreciation of every British colonist. I use the word "India" in its popular but quite erroneous acceptance. Every qualified writer insists on "India" being regarded not as a "country" but as a continent of mutually antagonistic peoples divided into some thousands of jealous and anti-pathetic castes and sub-castes, and using about 100 different languages.

Mr. Lloyd George, speaking as Prime Minister in Parliament on the notorious "O'Donnell Circular" while repeatedly designating the Indian representation project as an "experiment" said:— "The only unity created in India has been by British rule, and if Britain were to withdraw her strong hand there would be chaos, confusion, and desolation indescribable." In the same speech Mr. Lloyd George quoted a passage from the late Liberal statesman, Lord Morely, in connection with abandoning British control over India:— "How should we bear the savage scorn of our consciences when, as assuredly we should, we heard in the dark distance the storm and confusion and carnage in India"

Before the Native Commission and frequently in your columns I have quoted the views of the highest British and other authorities on the mentality and morality of the 300,000,000 diverse Asiatics

occupying that continent. Agreeing with those views and personally having been in touch with Indians for nearly thirty years, I see intense regret that resolutions are being passed consenting to the admission of nominated Indians to Legislature of the Colony.

There should be no talk whatever of concessions, minimum, irreducible or otherwise. Public movements have weight and evoke sympathetic support when based on principle; compromise and bargaining rob them of force. Kenya is British Colony and not a single Asiatic immigrant should be allowed to have a voice in legislation for us Britons or future Britons or the native races. Proverbs without number point to the danger.—small end of the wedge, small leaks in dykes and ships a friend in the enemy's camp having a fulcrum, &c.

In this connection it should not be forgotten that the oriental intelligentsia of India are in close touch with the semi-oriental intelligentsia of Moscow. Personally, the Imperial aspect of the question interests me as much as the colonial. The political portents of India are grave in the extreme; is another India to be created to the South of turbulent Egypt and facing the Pacific, an ocean with immense national, problems?

The legislature of Kenya must for ever be purely British. In the sixties the Northern States, war-weary, gave the Negroes voting rights and thus created for the reunited States a threatening peril of which every American is painfully conscious. "A government cannot for ever sit on bayonets" said Napoleon III; and similarly it may be said that the control of that great alien, but enfranchised, population cannot for ever be continued on lynchings. Shall Kenya, however weary, sanction a similar peril?

Kenya will, undoubtedly, treat her Asiatic immigrants justly and according to her honour. The much-petted Mr. Sastri, now assuming a Gandhi-like truculence, admits that Indians in the British Colonies he has visited, are well treated except, according to his peculiar notions in the matter of political representation. Is Kenya going to stand apart and cede what other British Colonies guided by knowledge or political instinct wont? Foolish weaklings are always for trucking and compromise. Are Kenya Settlers foolish weaklings?

For many years this Indian agitation has been retarding and withering the political, social and material interests of the colony. Of word spoken and written there has been a deluge. Placidly, with bureau-

cratic indifference, the Colonial Office looks on. Arguments and verbal protests have surely, in Kenya, become nauseating by repetition. Is there no settler in Kenya possessing in some degree the patriotic and capable of qualities of a Mussolini or a Carson who will free the Colony from this artificial, yet astutely run persecution, and the Empire from the danger it connotes?

Ruiru,  
Jan. 29.

Yours etc.,  
H. RYLE SHAW.

### THE VOICE OF AFRICA.

(a) *To the Editor, "E. A. Standard."*

(5) Sir,—The people who come from Naivasha and Nakuru who are at present working in Sabatia when this job of ours has been finished, perhaps we may receive thank from Our King George the reason why that we all know that he is our King, now the Indians they want this Country and if it is so the country will be ruined altogether and the people of this country will suffer much and probably die on account of sickness as the Indians will not care to look after the Africans or tender our patients while they fall sick, like the British Government does, unless the poor African he must pay for his medicine to an Indian, while the Government gives us free medicine and food, now we Africans say thanks to our British Government who is giving much help to African throughout the country, the people who had grown their crops this year are fully enjoying the African say it is better to have British Government (Europeans) in this country more than the Indian, and the elders of the country are totally refused the change, means Indians and their shauri.

I am your brother,  
KIP ROTICH BIN MABUWI.

Lumbwa,  
New Uasin Gishu Railway,  
February, 1923.

(b) *To the Editor, "E. A. Standard."*

Sir,—Just we have heard the news that Indians they want to have this country to be their own instead of British Government. We the African we do not like it, and we think that if this Government

is going to hand over this country they are giving us an enemy. As the Indian cannot do as what European does, and the country will get spoiled. I have not seen even one of the Indians speaks the truth except lies always. Indians are trading in this country and if they get money they send to their country and no benefit to the country where they earn the money they left the country to suffer. Even their women cannot look after hospital nor touch a sick person, while the English ladies are doing all this sort of things without saying that she being a European lady and cannot attend to a black man, as the European lady sees the sick person feels very pity on him just the same as he was one of her own child. We like the European and Government and not Indians.

I am,

February 1, 1923.

JALUO OBNER OWEYO SON OF OBIR'OO.

*To the Editor, "F. A. Standard"*

(6) Sir,—Having had some considerable experience of India and Indians before the War and having served in an Indian Regiment of the 3rd Lahore Division for 4 years during the War, I venture to put an aspect of the present danger before your readers which may not be generally realised and which I think should influence, very decidedly, any ordinary thinking European when considering the impertinent claims put forward by certain quasi-Indian politicians in this country on the so-called behalf of the Indian population.

These people are being well supported in every way by the so-called Indian "National" Congress. How absolutely Bolshevik that organisation is, and the subsidiary organisations affiliated to it are, I will not endeavour to explain here, but from the activities of their political agitators in India it must be patent to all ordinary thinking people that their first consideration is not the good of India nor the peace, contentment and progress of the some 300 million pathetically helpless population of that vast country, but is, instead, simply the subversion of the British power there and anywhere else possible.

It is well known to any man who knows India to-day that the Legislative Council there are largely manned by agitators who have no other interest in politics than to make Government impossible.

One of their most virulent anti-British satellites, —namely M. N. Roy,— a typical product of the Lenin Trotsky school,—is one of their most prolific writers of Bolshevik poison. He is, at present, resident in Berlin and does yeoman service from that friendly centre.

When the European people of Kenya and the British people in particular are considering the claims in aquestion they should remember they are merely considering the claim of a very small class of semi-educated doctrinaire politicians in India who are consumed with a well-schooled hatred of the British and all they stand for in India. They are simply a subsidiary branch of an organisation whose greatest object at the present time is the disintegration of the British Empire.

This organisation has had considerable success in Ireland, Egypt and India and holding the view, as they do, that Kenya is another easily vulnerable spot in the Empire they have long been working towards this present big initial effort. Simply because this small class of loud-voiced quasi-political Bolsheviks has successfully terrorised a few weak politicians in office at Home, it is no reason why they should successfully terrorise us, loyal British in Kenya.

It should be borne in mind that the main weapon of this class of Indian is the stirring up of racial hatred against the British among the simple and ignorant masses of the population. A hatred, which I know, certainly did not exist among the gallant Sikhs, Dogras, Punjab-Mussulmans and other fighting races who fought under our leadership during the War. They fought I may say, mainly because of their great pride in being fighting men and because they trusted and respected the race that trained and led them.

It is this great trust and respect that these "political gentry" we have now to deal with in Kenya and India, are making every effort in their power to suborn. It must therefore be easily realised that if we shirk the responsibility of scotching this subversive movement we shall be false to our race and the success in Kenya of these quasi-politicians will merely whet their appetite for more in India.

It should also be realised in Kenya that the Indians whose voice is now being considered in this matter were our bitter enemies during the War, in fact were one of the biggest menaces against which Great Britain



had to contend during that period. They are no less our enemies to-day and will remain so, no matter what concessions may be made to their agitation in Kenya, India or elsewhere.

Yours etc.,

Nakuru, 30-1-23.

D. P. P.

*To the Editor, "E. A. Standard."*

(7) Sir,—In general little good can result from correspondence on the Indian Problem at this stage. But I feel that the letter of Mr. Shams-ud-din to His Excellency the Governor, lately published in your paper, demands some comment in the interests both of the European and Indian public.

Whether or not an astute politician like Mr. Shams-ud-din imagine that a frenzied extravagance of misrepresentation and abuse, published in the present condition of the public nerve, is calculated either to conduce to an amicable settlement or to allay the passions he affects to fear, he has evidently miscalculated the temper of the European mind.

That temper is far too serious a quality to find expression in the desultory slitting of throats as he professes to believe is possible and the sooner, he and his fellows realize it the better for them. Nor, if that be Mr. Shams-ud-din's idea is it likely to be affected in its ultimate purpose one iota by the publication of moonshine of this sort.

That temper—at present—is neither more or less than a rigid determination to secure a constitution which shall for all time or so far as can reasonably be foreseen ensure the Colony against the prospect, immediate or ultimate of Asiatic supremacy in its Councils or population. It implies in itself no animus against the Indians lawfully domiciled in Kenya and no intention to withhold from them any rights necessary to safeguard their welfare.

Ninety-nine per cent. of those Indians neither need nor want any rights beyond those we are prepared to agree to. They are peaceable people engaged in commerce and indifferent to statecraft. If they should succeed in acquiring "Rights" abhorrent to the other section of the community, they would never enjoy them in peace or profit and they have the shrewdness to know that to live on terms of equality with bees in a hive is a less comfortable and remunerative state than to go on taking the honey from outside.

That temper does imply a categorical refusal to give any consideration whatever to claims of Indians not at present domiciled in Kenya. Herein lies the danger.

I would suggest to Mr. Shums-ud-din a wiser course than the composition of flamboyant literature of the quality of his letter namely to wipe India from the picture and concentrate on the Indians in Kenya ; to find out their real grievances, not those corrected and dictated by the Indian Government ; and to put them forward with sobriety and candour. For if one thing is more certain than another in the present controversy it is that the European population will hear no arguments and discuss no terms whatever unless they first receive a binding guarantee against indiscriminate interference and colonisation from India.

The right of communities within the British Empire to determine free of extraneous influences, their own composition and constitution is irrefutable, and has been so acknowledged by the Imperial Conference and even by Mr. Sastri himself, and we shall exhaust every means available to us to maintain that principle.

The real ground for fear on the part of the Kenya Indians lies in this feature of the Indian Problem.

Men goaded to exasperation in this way cannot, in the heat of passion, always be relied on for strict control of their actions. So long as we are undisturbed by extrinsic interference in the settlement of our disputes the Indians may dismiss from their minds their alleged fears of "the murder of all the Indians in the Country" and the like blood and thunder.

But let them show some of that ordinary commonsense which is a necessary qualification for any franchise by dissuading their friends in India from poking through the bars at the wounded buffalo with which they themselves are caged.

The remedy for their perturbation of mind lies in their own hands. Let them drop India and come forward as Kenya Indians.

Yours etc.,

J. F. H. HARPER.

Ruiru, February 3.

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#### A PARALLEL CASE.

*To the Editor, "E. A. Standard."*

(8) Sir,—Forty years seems a long time to hark back but it is safe to say that even now no new comer to India will have been there many

weeks before he hears some mention of the "Ilbert" Bill. Stirring incidents of the great mutiny are dead and forgotten, large measures of present-day "reform" excite but passing interest, but it will be many generations before the "Ilbert" Bill and the incidents connected therewith are forgotten by, or cease to form a topic of conversation among the Europeans in India.

In view of the present crisis in the settlement of the Indian question in this Colony it may be of interest to recall what the "Ilbert" Bill was, the excitement it engendered among the entire European community of India and the steps which they took to protect their rights. It was in 1882, when a Liberal Ministry was in power at home, the Marquis of Ripon was sent to India as Viceroy to undertake a measure of "Reform" which in this instance took the form of an attack on the most cherished rights of the European community.

Mr. (afterwards Sir) Courtnay Ilbert was the legal member of the Viceroy's Council and Lord Ripon's lieutenant in introducing this "reform" scheme officially known as the "Criminal Procedure Code Amendment Act" but which from its sponsor, has been always called the "Ilbert Bill." By this act it was proposed to repeal Chapter 33 of the Criminal Procedure Code, which lays down the procedure governing trials of European British subjects and Americans accused in criminal cases. Under the provisions of this Chapter a European British subject or American, unless he voluntarily waves his rights as such can be tried:—

(a) By a first class Magistrate and J. P. who himself must be an European, without a jury, who can inflict imprisonment up to one month.

(b) By a District Magistrate with the aid of a Jury of whom the majority are Europeans, who can give a sentence up to three months' imprisonment.

(c) By a Sessions Judge with the aid of a Jury the majority of whom are Europeans, who can pass sentence up to six months' imprisonment.

(d) By a High Court with the aid of a Jury consisting of a majority of Europeans who can pass any sentence according to law including the death penalty.

Obviously in a country like India, where the subordinate native Magistracy, especially in those days, were ignorant of European customs and feelings, and very often ignorant of the English language, liable also

sometimes to be swayed by local popular feeling such safeguards are absolutely necessary to ensure the fair trial of European accused. No question of "race animosity" enters into the matter. The punishment provided for offences committed are the same for European or Indian, it merely provides a square deal for the European and his inalienable right to be tried by his peers.

The "Ilbert" Bill proposed at one stroke to destroy these safeguards and wipe out their incontestable rights. The result would have been to have handed the European British or American accused over to an Indian Magistracy who according to their powers, could inflict imprisonment from one month up to two years without the aid of a Jury. To a Sessions Judge, who might himself be an Indian with the aid only of a couple of Assessors (the jury system had not been introduced in Sessions Courts in those days) who might also be Indians who could inflict any legal penalty including death (but in that case subject to the confirmation of the High Court) or to a High Court with the aid of a Jury the whole or majority of whom might be Indians.

When the provisions of this Bill were first made public a storm of indignation swept over the entire European community of India. Hundreds of protest meetings were held which had sometimes the active and in the majority of cases the passive support of the local Government officials. When it became evident that in spite of the intense feeling aroused the Government of India, supported by the Secretary of State, and relying on their official majority in the Legislative Council, were determined to carry the measure through other and more sinister steps were taken with a view to counteract it.

It is unnecessary to go into details of these measures, but they included as a last resort armed and active resistance, for which purpose practically the whole European community from the highest to the lowest were thoroughly organised. The attitude of the European Civil Service in this crisis was with few exceptions one of warm sympathy with the rest of the European community. What would actually have happened had matters come to a head it is difficult to say, but the generally accepted view at the time was that the Civil Service, with some exceptions, perhaps, would not have joined and would not have been asked to join in the open revolt but would have stuck to their posts and "carried on" in sympathy with it.

As events happened, neither they nor the country were put to the test. In spite of the Bill being a Government measure, there were stalwarts on the Government side of the Legislative Council who were bitterly opposed to it. These headed by the then Lieut.-Governor of Bengal, declined to sell the birthright of their countrymen and act against the dictates of their conscience at the behest of either Viceroy or Secretary of State, with the result that when the Bill came up before the Council, these stalwarts of the Government both spoke against it and voted against it, and by their aid it was defeated.

So ended the history of the most deliberate attack on the rights of the British in India, an attack which was not engineered by the Indians but by our own people at home against their brethren abroad. The sounds of its strife have died away, but it will be many years yet before its history and the stirring incidents connected therewith are forgotten. The chief and most heartening conclusion to be drawn from it is that though the Briton both at home and abroad is apt to take many hard knocks "lying down," he will combine and show a united front against an unwarranted attack on what he considers his incontestable and inalienable rights as a Briton, from whatever quarter that attack may come.

Yours etc.,

" A "

Nairobi, February 5.

# I. THE KENYA PROBLEM, ITS ORIGIN AND GROWTH.

*The Times of India, February 14, 1923.*

The position of the Indian in the Colonies has now assumed a phase which will test the statesmanship of the Empire's leaders. In Australia, New Zealand, and Canada the situation is not so acute, because there are at present only small numbers in those Dominions. Mr. Sastri was therefore able to get, if not all he wanted, at least a fairly sympathetic hearing. In South Africa, Natal, and Kenya, however, the position is very different, and matters are fast reaching a deadlock. This is especially the case in the last-mentioned colony, and, as one who knows that country, and has at the same time spent nearly thirty years in the East, it is hoped that the writer may be able to throw some light on the problem.

Before it is possible to grasp the present state of affairs, it will be advisable to explain how the colony came into the possession of England.

Mombasa, which is on an island separated from the mainland by a channel only a few hundred yards across, has been a port from early times. It takes its name from Mombasa in Oman, from which town its original founders seem to have come. It is mentioned by Ibn Batuta in 1331 A. D. as a large place, and, when Vasco-de-Gama visited it, he found it a place of considerable commerce, containing amongst its inhabitants Christians of St. Thomas and Calicut 'Banyas.' From about 1506, when it was captured by Almeyda, until their final expulsion in 1698, the town was in the hands of the Portuguese. After this it came under Mahomedan rule again, and laterly formed part of the Sultanate of Zanzibar. The British East Africa Company obtained its charter in 1888, and two years later Mombasa was handed over to Great Britain, when Germany surrendered her protectorate over Witu and the coast up to Kismay in return for Heligoland

## THE COMING OF THE INDIAN.

Until the advent of the Company, which on account of financial difficulties handed over its rights in 1895, there was practically no settlement beyond Mombasa. Little was known of the hinterland, save by traders and big game hunters.

Although, as has been already stated, men from India, chiefly from the West Coast, have been amongst the inhabitants of the port since the fourteenth century, no attempt was ever made by them to colonise or develop the country. If any Indian had ever penetrated the interior, he had done so in connection with some slave caravan, or as some sportsman's servant. As one of the arguments advanced by Indians in support of their case is that they were the first to colonise East Africa, the statement of Mr. Blayden-Taylor, one of the earlier settlers is worth quoting :—

“As a resident in Kenya of some 23 years, let me say that, prior to the advent of the European, and construction of the Uganda railway no Indian was seen beyond Mombasa, none crossed to the mainland, much less did they penetrate to the Highlands, opened up, and now occupied by Europeans.”

On the commencement of the railway in 1892, contrary, from what is said in the colony, to the advice of some of the contractors who offered to employ only native labour, Indian coolies were brought over in large numbers for construction work, and with them came foremen, clerks, and in general, the subordinate officials. As was natural, and army of petty contractors, pedlars, and shopkeepers followed in their wake, many of whom settled down and they, or their families, can be found in the townships, often in the possession of the most valuable property. Most of these are, as might be expected, from the Bombay Presidency, and Kathiawar. Many of the clerks and shop assistants are from Goa, while a very fair sprinkling of Sikhs and Punjabi Mussalmans are to be found as carpenters and mechanics—‘fundis’ as they are called locally.

With the increase of the Indian population, doctors, lawyers, and other professional men have commenced to practise amongst their own community, but their numbers are not large, and, beyond these and a few Parsees, there are hardly any Indians who would be regarded in their own country as of any social standing.

### THE WAR AND AFTER.

Such then, are the Indians as a whole that one sees in the colony. So far as one could learn by talking to those one met, there was little desire, in the early days, on the part of these men to acquire any special

privileges, nor were they needed. The Indian was doing far too well in trade with the savage tribes, carefully protected by the European administration, to worry himself about political grievances. It was not till some time after the outbreak of the war, when most, if not all the settlers who were physically fit, were on active service, that any serious pretensions to equal political status were made. Towards the close of hostilities, when people were beginning to ask what was to be done with the old German territories, a most unfortunate suggestion was put forward by Sir Theodore Morrison that India should undertake their colonisation. It may seem invidious to dispute her capacity for such work, but at any rate it will tax the brain of the most ingenious to discover where she has attempted—much less succeeded in—such a mission.

That certain Indian races make magnificent soldiers, and proved their mettle on many a battlefield, no one would deny, but of them was not the Kenya colonist. As the Indian in East Africa is constantly claiming his share in the government of the country on the ground of military service, it is only fair to point out that, in this respect he did not live up to the high example set him by those in his motherland. Of the Indian population, estimated at about 20,000 less than 1,400 became members of the Forces, of whom only 376 were of combatant rank, and of these, not even one was wounded in action. In striking contrast was the war record of the natives, 600,000 of whom served, either in the King's African Rifles, or in the Labour and Transport Corps, or acted as carriers, and whose losses were estimated at nothing less than ten per cent.

There is no intention to belittle the services of the Indian troops, who need no commendation. The question which has to be asked is, whether the Kenya Indians' war record is one of which they can really be proud and whether it affords good grounds on which they can press their claims. One can hardly resist the feeling that it would be wiser on their part not to demand too close a scrutiny into their war services, and that it would be better for them to follow another line of argument.

In the next article the demands of the Indian Colonists will be given, and an attempt made to show how far they are, or are not, justified at the present moment. In the same way, later on, the European case will be presented. It is hoped in this manner to lay before the public the two sides of the question with as little bias as is possible in the circumstances, and to enable those who are interested to grasp the points at issue.



*February 15, 1923.*

## 2. INDIAN DEMANDS SET OUT.

The movement on the part of the Indians in Kenya for political rights started during the war, when as was pointed out, practically the whole of the European male population was on active service, and, with the rise of the extremist agitation in this country, rapidly gathered force. At length the subject was thoroughly examined in detail by Lord Milner, who in 1920 published the Despatch in which a Policy was laid down. Though by no means entirely acceptable to the English this was more or less agreed to, in order not to embarrass the British Government at a time when their hands were full of the difficulties which arose as the aftermath of the war.

The main points of this Despatch were:—

- (a) The recognition of the right of occupation of the reserved portion of the Highlands by Europeans to the exclusion of Asiatics.
- (b) The upholding of the principle of segregation.
- (c) The limitation of the right of Indian representation on the Legislative Council to two members elected on a communal franchise.

## THE INDIAN PROGRAMME

To these provisions the Indians took strong exception, and in return formulated their demands which may be detailed as follow:—

- (a) The right to hold any position, however eminent, in the Civil Service and local Military Forces.
- (b) The right to equal representation with the European on the Legislative Council on a common franchise.
- (c) The right to acquire land in the hitherto reserved portion of the Highlands.
- (d) The abolition of the principle of segregation.
- (e) The right to penetrate the country in an unrestricted numbers.

The two main planks on which they based their claims were, first that they were British subjects, and second, that Indians had rendered loyal service during the war.

As already shown, the second claim is rather difficult to put forward, because, whatever the Indian regular troops had done—and that they rendered invaluable aid no one would deny—the local members of the community failed in this respect, as their record shows. Moreover, with comparatively few exceptions, they do not come from those races that furnish the bulk of our fighting troops.

### RIGHTS OF CITIZENSHIP.

The first claim is not unnatural, nor, on the face of things, unreasonable. It certainly does seem at first sight anomalous that men should in theory be given full rights of citizenship, and in practice should find that they cannot exercise them.

Before examining this anomaly, however, it is well to see how far the Orientals in Kenya are truly British subjects. Those that come from British territory have a strong case, but a very fair number who are advancing their demands, are, strictly speaking, subjects of one or other of the native states. Many come from Kathiawar, Baroda, and other places, where, when they return, they are under the rule of their own chiefs. The European has no *locus standi*: in these states, he cannot sue their rulers, and, in many instances, is unable to purchase even a square yard of land should he wish to do so. It hardly seems, therefore, that men from native states have any very grave cause for complaint, if they are debarred from certain privileges in a colony.

The demand of the settler to limit the rights of Indians will be taken up later, but it is well to remember that the self-governing dominions do not accept the postulate that any one, whether English or otherwise, has an indubitable claim to enter their land on the ground that he is a citizen of the Empire. Some years ago a number of hatters from England were refused admission into Australia, and quite recently steps were being taken to prevent the immigration of those whose presence it is thought may not be altogether to the advantage of the colony.

The right to hold any position, however high, in the Civil or Military services is a constantly reiterated demand, but it is probably put forward more from sentimental reasons than from any genuine desire on the part of its sponsors to take advantage of the right if conceded.

## SERVICE IN THE K. A. R.

The King's African Rifles is a very considerable body of men of various tribes recruited from all over the continent. They are officered in the main, if not entirely, by Europeans who apply to be seconded from their British regiments, to which they return after a certain term of service. It is very unlikely that, if the concession to enter the corps was granted to Asiatics, a sufficient number of Europeans would volunteer for attachment. In such a case would it be possible for the former to command and recruit these levies? To anyone who knows conditions in Africa such as state of affairs is to say the least doubtful. The surroundings of the troops in Nairobi are pleasant enough, but most of the "posts"—it would be a travesty of words to call them cantonments—are far away in the wilder parts, in the dense jungles, or on the insalubrious desert tracts along the northern frontiers. Furthermore, only a very few of the K. A. R. are quartered in Kenya itself. It is doubtful to say the least of it, whether the average Indian, who dislikes being separated for long from his home and family, would care about serving for months on end, and far from the amenities of life, often without a single companion of his own race, in a tent, or at best a mud and wattle hut.

It will probably be said that it is not men of the type that is met with in Kenya who would want to join, but scions of the hereditary fighting races. This again is a very moot point. With the increase in the "Indianisation" of the army in this country it is fairly certain that any opening for a commission in the Indian regiments will be desired, where the officer will be amongst his own kith and kin, rather than in a corps composed of savages, who, though undoubtedly brave, possess many characteristics utterly repugnant to a man from Hindustan. All are meat-eaters, many are from races who would practise cannibalism at once, were they permitted to do so, while anyone who knows some of the pleasing traits of the Kavirondo—the Irishman of East Africa could not conceive of any Indian desiring to have close contact with him. The Africans, moreover, though a complete savages, are not so easily managed as might be imagined, and it has yet to be proved that the Indian has the capacity for recruiting and training such men.

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## SENTIMENT AND PRIVILEGE.

As regards the Civil Service, the feeling between them and the settlers is not always as it might be. Even to men of their own race

the English colonists are not always too friendly, and whether they would be likely to show a greater tendency to co-operation with the Indian official is at least open to question. Certainly one can not imagine men who could obtain a fairly good post in their own land volunteering for service in Kenya.

One has a right to ask, therefore, whether, just to meet a sentimental desire—however natural, or even laudable in itself—it would be practical politics immediately to grant a concession, which could not lead to any tangible result.

A point frequently advanced by the settler is that though the more moderate party may be loyal, the speeches and acts of the extremists in the past two or three years have shown that there is an influential section in India who are openly demanding separation from the Empire. What, they ask, would be the position of the settler, if that party should contrive to get some of its own men into the services, with a view to establishing a read-made colony for the new Indian republic?

Is it not worth while for the Indian to consider whether it is not wiser to drop agitating for a privilege, of which, so far as can be seen at present, they have no intention of taking advantage? Would it not be better for them to concentrate for the moment on the "Indianisation" of their home troops, until it can be seen how far the educated classes are really desirous of a military life, and to what extent, apart from the fighting races, the people as a whole are anxious to enter upon the hardships and dangers incidental to a soldier's life? The "camaraderie" of the regimental mess, in which men of different types of social culture have to meet and fraternise, has yet to be built up, and it must of necessity commence in this country, where the conditions are more favourable than any where else. When once an army officered by men of both races, has been firmly established, and is working harmoniously and satisfactorily, there would probably be little difficulty for any young man of an adventurous spirit, and coming with a good reputation from his corps, to apply successfully for term of service in the King's African Rifles. Up to the present, however, the time has certainly not yet come.

*February 16, 1923.*

### 3. AFRICAN NATIVE CLAIMS.

The strenuousness with which the demand for equal representation is opposed, so that even the much modified compromise, which has

just been suggested, has been turned down, must seem to those unreasonable. The truth is, however, that the European feels in this matter that he has got his back up against the wall. It is all very well to say that everyone should enjoy an equal franchise, and common electorate. In practice this would, in the main, be elected by the Indian influence, as they are in the majority of something like two to one, and to this the Englishman will not submit. What will be eventually the way out of the deadlock it is difficult to prophesy. There is, however, one point, which whether the Indian sees it clearly or not, will soon arise, if he were to succeed in his demand, and that is that the natives will begin to put forward similar claims. Already Swahilis nad Somalis are urging that they should be treated as being of a different social standing from the rest of the natives, and insist on paying a higher hut tax.

The African may be an ignorant savage, but he is no fool, and if he finds that all that is needed is a little agitation, he will pick up catch-words, and demand political rights.

That types like the Masai, Nandi, Kavirondo or Lumbwa would make much advance for a long time to come is unlikely, but the Kikuyu is different. He has a greater nascent aptitude for learning than the other tribes, and more than a learning towards intrigue. He is by far the best agriculturist in East Africa, but he is by no means the most pleasant individual, and it is noteworthy that the swollen-headed wind-bag, Thuku, came from the clan. The fact that the Kikuyu, in imitation of the Buganda, has started an Association is significant. It is hard to believe that such a society could have been conceived, and run as a political affair, solely by a collection of savages.

Closely connected with the franchise is the question of unrestricted immigration. Should the latter demand be conceded, as well as the equal vote, it is easy to see that the Indian must ultimately be the controlling political force in the country, no matter what safeguards are devised. "The inevitable final step will be the virtual evacuation of the colony by its European population, since the two civilisations, from every point of view, are so opposed, that a mixed community of the two races is impossible." ("Memorandum" Nairiobi, 1921.)

It is probably that the reply of the Indian will be that this is a solution much to be desired. In other words that they can see no reason why their country should not have a colony of its own, and, if, because he happens to be in a minority, and doesn't like it, the Englishman chooses

to depart, that is his own affair. This is a perfectly understandable attitude, but it makes quite clear why the Englishman on his side makes an equally uncompromising stand.

### SEGREGATION.

A large bone of contention is that of segregation. At the moment this is on racial lines. The reason, as is well known, is that the social customs of the two communities are radically different. A stroller down the Indian quarter of Nairobi will be struck, by the dirt, not merely as compared with the part occupied by the European, but with those areas allotted to the African races. The answer to this that a proper amount is not spent upon the Asiatic location is perhaps not wholly unjustifiable, but, at the same time, to see the inhabitants flinging the contents of their household utensils into the street, which are also used, especially by the children, for purposes usually confined to latrines, does not add to its salubrity, nor does it incline the Englishman to seek a closer acquaintance with those whose habits differ so widely from his own. The writer was one day walking through the suburb of Parklands. It is composed of dainty bungalows, each in a charming garden, carefully tended, and filled with flowers. Amongst them was one, the paths of which were half grass, the lawns had rarely been cut, a few straggling bushes in pots on the verandah was all in the way of flowers, unless the family washing, strung out on a line, could be regarded as such. The name on the gate was that of a vakil. To the Indian any objection to such a use of the compound seems absurd. The clothes had been washed and cleaned, and were merely hanging out to dry. As for the garden, well, no doubt flowers were pretty, but they were not essential, and labour is expensive.

To the rest of the inhabitants, such a place is an eyesore, and what is more, affects the letting value of the houses on the adjacent plots.

The solution of the segregation difficulty might be found in basing it on the style of living. Let those who are prepared to submit to the more exacting demands of the European in the way of tidiness and sanitation, be permitted to live in that area, while those who desire to maintain the Oriental standard might be restricted to another. In practice, it is probable that few Indians would take advantage of the relaxation of the present rule, as there are few who live in European,

style. At the same time it does not seem altogether fair that those who dislike the surroundings of a bazaar as much as the Englishman himself, should be unable to get away from them.

### THE HIGHLANDS.

The last claim of the Indian is the right to take up land in the so-called "White Highlands." There is no doubt that, whether it was right to have given it or not, the Europeans have from the first been led to suppose that they had a definite promise that the portion of the country should be reserved for them, and on that understanding they have sunk their capital. For that reason they are not likely to give up the conditions on which they came out to settle, and which, if abrogated, will be the decrease the value of their property immediately. Whatever may be the views of India as to the right of the Colonial Office to permit such an understanding, they have to remember that no protest was made at the time nor can they point to one single case of any Indian having taken up land there for farming when he had the chance. It seems most difficult to get rid of a preconceived notion. A few days ago in an article in *The Leader* published at Allahabad, the writer says:—"If the Indians went to Kenya long before the Europeans were there, what do the latter care. It has been already shown that no Indian ever did settle in Kenya, and it is very doubtful if any ever visited the country before the days of the Company. If this statement is incorrect, it is easy for the other side to bring forward facts to contradict it. That Orientals have been trading with, and residing in Mombasa for more than four hundred years is quite possible, but there is no sign that they ever colonised much less ruled, any part of East Africa.

February 17, 1923.

### 4. EUROPEANS CLAIMS.

To obtain a just proportion of the views of both sides, we must try to examine the claims of the Europeans.

The principles, which the Convention of Associations of Kenya affirmed in June 1919, and reaffirmed in 1921, may be summed up in the following five cardinal points.—

- (i) Strictly controlled immigration at present with a view to ultimate prohibition, consistently with the principle enunciated in 1917, and confirmed in 1921, by the Imperial Conference of the inherent right of every community, within the Empire to determine the composition of its own population.
- (ii) Two nominated and not selected Indian members of the Legislative Council.
- (iii) Segregation in residential areas and, where practicable, in commercial areas also.
- (iv) No alienation to Asiatics of land in the Highlands area.
- (v) Full recognition of existing Asiatic property rights.

To the last, of course, no one will take exception. There is no intention to take away what has already been required, or forcibly to interfere with such rights as the Indian already possesses. What is aimed at, is to prevent the colony being overrun by people who have a lower standard of living and by acquiring property in the future in areas from which he is at present debarred, to end by ousting the white settler.

### COMMUNAL RIGHTS.

In the first of the above 'points' in claiming the right of every community within the Empire to determine the composition of its own population, it is assumed that it shall be the European who shall determine what that composition shall be even though he is in a numerical minority. To this the Indian not altogether unnaturally takes exception. Unfortunately, when people talk politically they do so by the very simple method of the counting of heads. This may work fairly well in a more or less homogeneous nation, but democratic theories do not always square with what is possible in practice. Surely mere numbers are not the sole criterion in a question of this sort! Physically and intellectually the average European in Kenya is far ahead of the Asiatic immigrant. To see a really stalwart member of the latter race is an exception. The men one sees are not the type one would meet with in a Jat or Rajput district, or in the Punjab, and when an Englishman engages a petty contractor or mistri to do some work for him, the latter almost always requests the employer to give orders to his African



assistants, as he finds it difficult otherwise to get them to obey him. The native is a man of powerful physique, and, if he chooses to refuse to listen to the orders of his Indian overseer, the latter is in a quandary, and the writer has seen more than once an Indian 'fundi' treated by his men in a way that he himself would not have stood for a moment.

Intellectually there are few, except a small number of professional men, who can boast of more education than is usually acquired by an ordinary clerk, and one does not come across many even approaching the mental calibre of those one meets on the Indian Legislative Councils and University Senates. It is therefore not altogether unnatural—whether democratic or not is another matter—for the stronger race to refuse to be swamped by weight of numbers.

### UNRESTRICTED IMMIGRATION.

At present every person arriving in Kenya has to furnish proof that he has got regular employment or to deposit a sum of about £15 sterling. In the case of the Indian only about a fifth of this is demanded, which is often furnished by the resident community to those who are unable to find the amount. There is no reason why there should be this difference, but up to the moment, no change has been made.

The objection to unrestricted immigration is that it would lead to a flooding of the country with the poorer classes, whose ideals in hygiene and sanitation are not of the highest. The African natives are singularly clean in the surroundings, and being very few in number, compared with the country they inhabit, do not spread disease like cholera. Apart from any pledge, the European would probably do all in his power to keep out the labouring classes from the White Highlands, lest that area, which is singularly free from disease, and very sparsely populated, should lose its present characteristics.

Whether the African himself would look with satisfaction on an increase of a class, which would take up and till the land from which they themselves have been ousted, is a moot point. Until the advent of the settler, and in fact for some time after, the constant intertribal wars kept the population low, and, as many of the clans, are pastoral, rather than agricultural, this was a necessity to insure sufficient grazing for their flocks and herds, but, with the introduction of law and order, the

balance of Nature will not be maintained by the spear or the axe, and in consequence, their numbers are bound to rise considerably in the future, and it will constitute a very serious problem, should the "reserves" become too crowded.

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### A CASTE ARGUMENT.

The demand for the removal of segregation has already been discussed. In this connection, the European rather carries the war into the enemy's camp. "A people which has elevated caste into a religion and carried the principle of exclusiveness to the extreme pitch can hardly be taken seriously in their objections to segregation. In fact the leaders of the local Indian agitation have boasted that Indians have no wish to live amongst Europeans and that they claim to be entitled to live where they choose *on principle only*"

It certainly does seem somewhat anomalous that a race which in some parts of their home-land refuse to permit many of their own countrymen even to approach them, should be surprised when the principle is extended to themselves. At the same time it is to be regretted that this question could not have been worked out on lines other than racial.

The remaining point, namely that Indians should be represented on the Legislative Council by two nominated, and not elected representatives, has been met by the Colonial Office by proposing constitutencies so arranged as to allow for seven or eight Europeans and four Asiatics. In the absence of details it is impossible to discuss the way in which this will be met by the settler, but, unless the attitude of the majority has very greatly changed, it is most unlikely that they will accept anything of so far-reaching a nature.

February 19, 1923.

### 5. RACIAL HATERED.

An attempt has been made to show, as clearly and concisely as possible, the demands of the Indian and European settlers in Kenya. The native aspect of the case has been ignored since, for a considerable period, there is no likelihood of their being able to take, even should this desire, any very serious part in the government of the country.

A cursory glance at the position as put forward in the press, or as it strikes the casual observer, would make it appear that the whole trouble is racial antipathy. While a certain extent this is undoubtedly true, and while this antipathy has been fanned by provocative acts and writings on both sides, the basis of the difficulty is primarily economic on the part of the European, and sentimental on that of the Indian.

If the Indian, or in fact any Oriental, visits Europe or America, he will be received with every courtesy. In most cases he will be treated with more consideration than the ordinary stranger, because it is realised that he must feel less at home but, once let the same man try to enter a British colony, or the United States as a regular immigrant and he is made to feel at once that he is an interloper. Now it cannot be that the white races really change their character when they change their place of residence, and it can only be that this universal dislike to the oriental is based on a general economic fear. The proof of this can be found in the fact that the resistance to demands for political status is less in proportion to the likely number of immigrants. This explains the attitude of the American to the Japanese in California, and that of the South African towards the Indian in the Union. Mr. Sastri was able to get a more or less sympathetic hearing, in proportion to the fewer or larger numbers of his countrymen in the colonies which he visited.

### ECONOMICS AND POLITICS.

Unfortunately not merely is the Asiatic a serious competitor in the commercial world, but the usual type of emigrant is not one that commends itself on the whole to the western mind. The Indian community in Kenya is composed in the main of men of the mechanic, or at the best of the clerical classes. Numbers of them are merely petty traders, and there is only a very small percentage indeed of educated or professional people. Such persons are not likely to commend much respect from a social point of view and when added to this it is remembered that this population did nothing in the late war to share in the defence of the colony but, while almost the whole white male inhabitants were on active service, they were busy taking advantage of their absence to improve their commercial position, the feeling against them became accentuated.

But this alone would not have aroused the bitterness of feeling that undoubtedly has arisen, had not the politicians stepped in to make things worse. With the advent of Gandhi-ism, and the racial hatred cultivated by the extremists party in India, there was bound to be a strong reaction. The settler has been made to feel that Kenya has been specially selected for attack, because it is more vulnerable than the self-governing Dominions, and that it is being used as a lever to force the Home Government to accede to a further transfer of power to the people of this country. When they see men like Sir Theodore Morrison offering East Africa to India as a colony, and the Home politicians beseeching the settler to acquiesce in demands, but they may find themselves embarrassed, they naturally ask why they and their interests should be sacrificed. Strong comments have been made on the recent threats of violence. Such threats are much to be regretted, the more so as it is difficult to imagine that Englishmen would dream of attacking men unless their own lives were in danger. It must not be forgotten, however, that the Indians have themselves, in a similar manner, already spoken of using armed force. In July 1921, at a mass meeting of Indians in Nairobi, a hat belonging to Mr. Gandhi was auctioned for a large sum amidst scenes of wild enthusiasm. At this same meeting one of their leaders in an English speech stated:—"When we get self-government in India, we too can bring our cannons and rifles, and fight for our rights in this colony" A local organ of the party quotes with approval the following telegram from Marcus Garvey, President of the International Congress of Negroes at New York, to Mr. Gandhi: "Accept best wishes 4000,000,000 negroes, through us their representatives, for the speedy emancipation of India from the thralldom of foreign oppression. You may depend on us for whatever help we can give"

### THE INSULT TO THE PRINCE.

Last, but by no means least, the insulting treatment meted out to the Prince of Wales has eaten deep into the heart of the colonial. The Indian does not, and probably never, will, realise how bitterly that action has been resented by the Dominions. In spite of the efforts of the authorities to minimise the success of the boycott, the doings of the non-co-operation party at Bombay, Allahabad, Benares, Peshawar, and elsewhere are now well-known through private letters, and it is difficult to decide whether the colonists are more infuriated with this

country for its discourtesy to the Prince, or with the Government for the suppression of facts. The individual, when confronted with this, expresses his deep regret, but tries to excuse it on the ground that it was not meant for disrespect to the son of the King but as a protest against what was regarded as unjust treatment by the Bureaucracy. The European is unable to appreciate this subtle distinction. His reply is: "If India was loyal at heart, how was it that a handful of extremists was able so to cow the public as to prevent them from joining in a welcome? It will take years to undo the mischief that has been done. The colonial has seen the fruits of non-co-operation, and is not likely to be misled by any declaration as to its non-violent character.

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### STANDARDS OF LIVING.

That racial hatred has been gravely accentuated, has, alas, to be acknowledged, but it has also clouded the main issue, which is economic, and to a certain extent hygienic. Say what one will, the fact remains that any Asiatic, be he Indian, Chinese, or Japanese, can live in what to him is comfort on a standard to which the European cannot conform. If the former is allowed to enter a land on the same terms the latter must go under. Whatever may be said for freedom in theory, it will only work within limits in practice. This applies, not merely to races, but to classes.

The theory of freedom of contract has been discarded in the interests of the so-called working man, who by this trades-union can refuse to allow himself to be exploited. If the capitalist tries to get more than what the industrialist regards as legitimate the latter does not trouble about theoretical rights, but puts all his power into operation. It may be urged that, in his case it is the wealthier or capitalist class that is dominating the poorer. Poverty and riches are, however, only relative. From the point of view of an Asiatic the European may appear rich, while judged by the latter's standard he is much the reverse. The colonist feels that if the Indian demands are met he will be ruined. His belief may or may not be right, but it persists, and it is expecting too much of human nature to hope that he will submit without a struggle.

Did the Indian have the same standard of living and approximately the same type of culture, he would certainly find no more opposition than does the Southern European. Colour in itself has little to do with it, as this race is often as dark as its Eastern brother. The broad fact re-

mains that it is not only in Kenya, not only in the British Dominions, but also in America who prides herself on her absence of racial feeling. The truth is that, wherever the European standard is adopted, there the Oriental cannot be allowed to compete on equal terms, unless the former is to disappear.

### THE SOLUTION.

What then is to be the solution? It is not to be expected that the animosities which have been allowed to grow up, will die down immediately, or even quickly. At the bottom they are due on the part of the European to a fear of economic destruction; on the part of the Indian to a not unnatural resentment, at turn which affairs have taken, and which seems to label him as an inferior.

Let every effort be made to get each side to realise the chief point of the other. Let the Indian try to understand that the action of his opponent is based on economics, and that no amount of argument will cause the other to give way where his very existence is in jeopardy. Let the other try to understand and sympathise with the Indian in his sensitiveness to even an appearance of inferiority. Above all let no political party, either at home or abroad, use the present dissension to forward their own aims. It behoves us all, of whatever race we may be, and especially those of us who are the more advanced and educated, to try to promote more friendly relations. Finally let both sides ponder on the opinion which appeared very recently in *The Times*. This paper upholds the right of white settlers in Kenya to insist on the maintenance of order, the safeguarding of their own future, and the future of the colony. It states that there is no desire on the part of the people of the Empire to shirk the implied consequences of the resolution of the Imperial Conference on the subject, but it is time that the Indians ceased to regard the settlement of Indian subjects within the Empire as a legitimate grievance. This implication is one not of inferiority but of difference, and a satisfactory settlement would seem to imply the granting to Indians of adequate representation in the discussion of affairs, without holding out to them the prospect that the future of East Africa will fall under their control.

## II. THE KENYA PROBLEM.

From The Indian Standpoint.

By C. F. ANDREWS.

*The Times of India, March 10, 1923.*

I have just read through, with the greatest possible interest, the articles recently contributed to *The Times of India* on the Kenya Problem. As the subject itself has now reached a very critical stage, and it is likely to be before the public for some time to come, I trust that *The Times of India* will allow me to present the position in Kenya more nearly from the Indian standpoint than the writer of those articles has been able to do.

In order to show the very grave importance of the question at the very outset, it is not too much to say that upon the issue of the Kenya situation, more than any other, the final relation of India to Great Britain is likely to rest. A false settlement of the Kenya problem, to the logical Indian mind, almost inevitably implies a breach in the relation between India and the British Empire. It means a contradiction of the whole theory of the British Commonwealth of Nations. It connotes a return to the former state of subjection and dependence, with no hope of Dominion Status.

I have had opportunities, which are given to few Englishmen, of knowing at first hand, what the real mind of thinking India is. It would be strictly true to say, that I have not yet met with a single Indian of weight and character, who would not say,—what has so often been said in the Imperial Legislative Assembly itself,—that the *final* refusal of equal treatment to Indians in Kenya would mean to him the impossibility of Indian remaining in the British Empire,—except in a state of subjection which they could not contemplate any longer : there is no difference between moderate and extremist, Congress worker and non-Congress worker. Let me say further that this dilemma is perfectly understood by the Government of India itself. There is, perhaps, no question, at the present time, which is causing deeper anxiety at Delhi.

My one ground for writing this reply to the articles which have appeared in *The Times of India*, is that I have been twice chosen by the Imperial Indian Citizenship Association of Bombay, of which Sir Dinshaw M. Petit is the President, to go out to East Africa, and to South Africa, in order to study at first hand, the actual situation, and that I was sent to South Africa by the late Mr. Gokhale on an earlier

occasion on the same mission. I have, therefore, had a singular opportunity of learning to understand the Indian point of view from the leading Indians on the spot.

### INDIANS AS PIONEERS.

My first criticism would be concerning the historical sketch given by *The Times of India* correspondent. It is strange that he has not heard anything of Colonel Ainsworth's farewell statement, before retiring from the Colony nearly two years ago, which could have corrected him on many points. Colonel Ainsworth was out in East Africa from the very earliest days of the settlement and had a much more intimate knowledge of the whole situation than Mr. Blaydon Taylor. He ended his long career by brilliant service as Chief Commissioner of Native Affairs and probably no European even knew the whole country better than he did. I regret that I have not got with me a copy of his exact words; but he showed, from his own experience, that the Indian trader was the pioneer in every fresh advance into the interior, preparing the way by peaceful penetration. It is true, that the traders relied on the armed force behind him. But it is equally true, that he ran great risks himself and continually opened up the road where no European could have gone by himself without terrible loss of life through sickness and disease. To give a common experience all along in this advance into the interior, the Indian trader went ahead into districts saturated with deadly malaria and blackwater fever. He kept some form of civilisation in evidence, in the midst of primitive and naked savagery, where it would have been impossible for the European to have penetrated at the outset. All this is amply borne out by Mr. Winston Churchill's testimony in his book called, "My African Journey" and also by Sir Harry Johnston, and other writers.

### A PERSONAL TESTIMONY.

The same thing is going on even to-day. There is a short railway connecting Lake Victoria Nyanza with Lake Kioga. When I was there, I came across an Indian on a miserable salary holding a very responsible position on this railway. He was enfeebled with malaria and so were all the other Indians with him. It could not have been possible to keep the railway going without their daily assistance, and yet the railway itself was a vital link between Uganda and the Soudan. It would have been



economically out of question to have run the traffic entirely with Europeans, even if they had been prepared to live in such a malarial district. Or, to take another example, I have seen with my own eyes on the outskirts of civilisation in the upper provinces of Uganda, how the Indian trader even to-day goes continually beyond the European. The very largely developing cotton trade has, in a great measure, been opened up on account of the Indians pressing forward into the interior.

It was my good fortune to have many conversations with Colonel Ainsworth before his departure. No one loved the African more than he did ; but he fully understood, from his own long experience, the great part that the Indians had played. He told me once, that the Englishman would not be in East Africa to-day, if it had not been for the Indian; he was, of course equally certain, that the Indian would not be in East Africa to-day without the Englishman. It would add to this the well-known historical fact, that the one claim of Great Britain to the Protectorate of East Africa was the presence of Indian subject of His Majesty the King-Emperor there before the annexation. It was to protect *them* that the country was placed under British rule. The settlement, therefore, bears from the very first a peculiar relation to Indian, which has never been broken.

### MILITARY SERVICE.

With regard to the military record of the Indian settlers, compared with that of the Europeans, many unfair things have been said. It is quite obvious that the European settlers, being nearly all of them ex-soldiers, ex-sailors, would enlist at once in the army for the Great War, in which Great Britain was in deadly peril. It is also true, that the Indian traders were not in any sense a natural fighting force. But it is equally true that the Indians served the railway faithfully and well, which was strategically vital to the war and they worked at highest pressure in the railway workshop at Nairobi turning out splendid work. Other Indians also did the extremely necessary clerical work, under condition of great hardship. But apart from all this, in respect to the military conditions of service offered to the Indians and Africans alike, the truth, if fully known, would reflect but little credit upon the European. Indeed, the complete distrust of the Indians when the war broke out, instead of generous and open comradeship; the constant refusal to

accept Indian offers of military service; the suspicion attached to Indians, as though they were secret spies, the panic which caused innocent Indians to be imprisoned and condemned even to death—all this showed a previous attitude of dislike and fear and mistrust, which ought now to be buried in oblivion rather than recalled. So also the treatment of the 600,000 Africans by the Europeans in the War had better not be referred to in detail afresh. I have heard the gruesome story told to me by my own countrymen, who witnessed what happened, the gasty effect of the forced labour,—and I want to hear no more of it. But when the ‘war records’ of the Indians are mentioned by Europeans in depreciation and contempt, it is necessary to state once and for all, that there is another side to the picture. Two simple questions might be put to these who delight in taunting the Indians on their lack of military powers. Did they ever during the whole war offer to accept Indians, who volunteered, on terms of equality? Was not the whole campaign, from first to last carried out on the principle that Indians were, racially, always inferiors?

When all is said and done it was not the very small number of colonial Europeans from Kenya, who formed the deciding factor in the East African Campaign. It was the great reinforcement which came from India, from Great Britain and from South Africa. And it would probably be agreed by every one, that the nearness of East Africa to India was the one saving military factor in the whole situation; for ammunition and all kinds of military stores were literally poured over to Kenya from India, as well as troops. And this is not the first time that India, by its nearness, has saved East Africa for Great Britain. Thus, to sum up, if it is true that Great Britain has played a vital part in the building up of East Africa, it is equally true that India has played a vital part as well, not merely as an economic but also as a military factor.

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## 2. FROM THE INDIAN STANDPOINT.

*March 19, 1923.*

I shall venture in this present section, to take together certain points from articles II and III of *The Times of India* correspondent.

Practically, the whole of article II (which advises Indians to drop any immediate claim for administrative and military posts) may be disposed of in a few words. The Indian leaders would now agree, in the main, with your correspondnt. They are dropping such immediate claims for administrative and military posts.

When I went out to Kenya Colony, in October 1921, I was confronted with the fact, that at a recent Round Table Conference the Indian leaders had been asked whether they were immediately claiming admission to all administrative posts or not. They had answered "Yes," when, however, I questioned them as to their real intention, they answered me, that they had claimed this right in theory but had no intention or capacity, to put the right into practice even if it were immediately granted. Since then they have themselves put forward very clearly, in a public statement which I have seen, their actual position. While they cannot deny the claim,—because to do so would be to deny equal status as a principle,—yet they do not demand any immediate practical change in this direction. What, however, they do claim immediately, is that all technical posts should be made entirely free from the colour bar. For instance, an Indian engineer, or surveyor, architect, should not be kept in an inferior position, and refused advancement simply because of his race.

*The Times of India* correspondent asks the question.—“ Would it not be worth while for the Indians in East Africa to consider, whether it is not wiser to drop agitating for a privilege of which, so far as can be seen at present, they have no intention of taking advantage?” The answer to this would be, that they have already done so. In their formulated demands to the Colonial Office these subjects are not once mentioned. Theoretically, as the correspondent himself sees, they can never abandon the claim; indeed it has already been accepted, by implication in the resolution of the Imperial Conference, in London, in July 1921. But, practically, they have agreed to postpone it, and I feel certain that they have shown statesmanship in such an act.

## THE FRANCHISE.

So far I have dealt with the points raised in article II by *The Times of India* correspondent. When we come to the further questions discussed in Article III, we are on much more debatable ground. On the Franchise Question, the writer advances the argument, that if Indians were admitted to the franchise, educated Swahilis and other Africans might demand the franchise also. The obvious answer would be, that nothing could be more fitting. Why should not the African, who is educated, have a vote in his own country ?

The issue is a perfectly clear one. If the British desire to rule East Africa on the Boer policy of the backveldt, —regarding themselves as a kind of divinely chosen white race, which can never admit equality with any one, who is not a European, then we know where we are. Let me take, for instance, in East Africa, the Hon. Sir Vorthrup Macmillan with his perfectly definite religious creed as follows :

“ God’s rule is that the White Race should rule ; and we, in this Colony, are determined to follow God’s rule.”

I know very many Europeans in East Africa, including Dr. Burkitt of Nairobi, who would at once say ‘ Amen ’ to that, and who believe in it as a religion with all their heart.

Only, it is surely self-evident, and needs no argument to prove, that such a religion of the White Race is irreconcilable with the doctrine of the British Commonwealth of Nations.

Cecil Rhodes, though often unscrupulous in his imperial designs of territorial expansion, was far greater than this narrow racial creed. His formula of “ equal rights for every civilised man ” placed no restriction on colour or race or creed as such. If any true idea of a Commonwealth of Nations is to develop out of the old outworn and barbarous conception of ‘ Empire,’ then it is obvious that Cecil Rhode’s principle must be honestly applied.

## IMMIGRATION.

I have already written a letter to you on the subject of the restriction of Indian immigration, pointing out that it is the openly declared and settled policy of the one authoritative, non-official body representing the Europeans of Kenya, called the ‘ European Convention of Associations’ to restrict immigration of Indians to East Africa in such a manner as ultimately to prohibit them from coming at all. The exact words of their resolution which has been passed unanimously at each fresh Convention read as follow:— “ Strictly controlled Immigration, at present, with a view to ultimate prohibition.”

Therefore, we are left in no doubt at all concerning the intention of the Europeans. They have expressed at a hundred settlers’ meetings their final purpose to prohibit all Indians from landing in East Africa in the same way that Indians have already been prohibited from landing

in South Africa. In an expressive phrase of Major Grogan's: "South Africa has shut the front door to Asiatic immigration ; now East Africa must shut their back door."

It is the most sinister and ominous news which has yet come through from Kenya that the Governor., Sir Robert Coryndon, is recalled to London and is taking, with him European representatives of the Convention. It is practically certain that the new proposals which he is to make to the Colonial Office on behalf of the Convention will be to restrict further Indian immigration in a drastic manner.

### ABSOLUTE EXCLUSION.

Every single British dominion within the Temperate Zone has already shut its doors against the Indian. Australia has gone further still. She has shut the Indian out from her vast tropical northern territory, which can never be populated by Europeans. She has also excluded Indians from tropical New Guinea, where the Germans previously had allowed them to settle. Even in Fiji, which is also in the tropics and where Indians were originally brought out in large numbers as cheap labour under a scandalous indenture system, there is now a strong European party who are rapidly coming into prominence as advocates of a "White Fiji." Now once more, in East Africa, which is on the Equator and not far distant from Bombay by direct steamer service, the settled determination of the British residents is to keep the whole territory as a "White Man's Country."

The evil does not stop even there. For, as the Kenya settlers have rightly seen, Mombasa is the door of entry not only to East Africa but to the thinly populated parts of Central Africa as well. The British intention is to keep the Indians out of the whole area of Africa which is within the British Empire. Nothing short of this policy of absolute exclusion will ever satisfy the British settler, and repatriation will follow hand in hand with prohibition.

The question naturally rises in every Indian's mind who thinks about these matters at all 'What part have I as an Indian in an Empire which rejects me even in the Tropics, when I try to land, and gives me no citizen rights?'

It has appealed to me singularly strange that Englishmen resident in India do not seem to understand to what end such a policy of

exclusion and segregation must inevitably lead. If it is logically worked out it can only point to one conclusion which is the disruption of the British Empire itself.

### SEGREGATION.

It was to very great interest to me to follow the argument of poor correspondent with regard to the European claim for entirely separate residential quarters both in commercial and domestic areas. I was surprised at the example which he took from Park-lands, Nairobi, of the Indian Vakil, whose clothes were put to dry in an unkept garden. I know the Vakil's house well and I have stayed in it. It belongs to a Parsee family and is in every respect a sanitary house, as is also the house of Mr. Abdulrasul Alladin Visram, who lives opposite. When I was there, the gardens of the tiny group of Indian houses, in the midst of their European neighbours, were beautifully kept. I have seen many other houses in the neighbourhood which were by no means so tidy and neat as those belonging to Indians. At the same time, I agree entirely with the writer when he speaks about the insanitary condition of the bazaar at Nairobi. On all occasions when I addressed public meetings in Nairobi I have not failed to condemn this insanitation. At the same time it must be pointed out that if you drive *any* community into a ghetto and take away from them all municipal rights you are bound to produce insanitary conditions. I have published certain maps from Dr. Simpson's report, which show how the Indians are crowded into a tiny space on the edge of a swamp while the whole hill-side is reserved for the 'European Quarter.' As long as this unfairness remains it is difficult to lay all the blame on the Indian community for lack of sanitation.

But again I would come back from these details to the fundamental position. Surely complete racial segregation of Indians, if once established by law,—which is what the Europeans aim at,—is incompatible with equal status and equal partnership in a Commonwealth.

The argument is often used that caste prevails in India. The answer of every Indian leader and of most of the educated Indians who are not leaders would be, that they have expected and welcomed something better in the British connection than a return to the evils of the caste system from which they themselves are seeking to get free. They are not prepared to be thrust back into a new caste system from outside just as they are trying to escape from the old.

It is difficult to describe, as I have seen it, the disappointment which is being felt in India to-day. Something greater was expected from Great Britain, a new freedom. What is resented set so bitterly is the fact that fine phrases about equal partnership are being set down on paper, while inreality Indians are still being treated as subject and inferior people.

### 3. FROM THE INDIAN STANDPOINT.

*March 14, 1923.*

Perhaps in the long run it will be found that what is called the 'Highlands Question' is most important of all in its consequences, be cause the Highland area with its Capital at Nairobi forms not only the centre of all Government for Kenya Colony itself, but is likely also to be the centre of the whole administration of the East African Federation which is contemplated in the near future. This Federation or Union will include Uganda and Tanganyika and may possible stretch as far southward as Nyassaland and Rhodesia. In the North, it may quite possibly include the Soudan Province. It needs to be made perfectly plain that, in this Highland area, not only is the whole of the agricultural land to be segregated from Indians in perpetuity, but also in the townships the Europeans are to have everything except a narrow strip which will be called the Indian quarter.

What it will mean for the whole of this central block of territory to be filled up more and more as each generation goes by with Europeans, while the Indians are squeezed more and more into a corner, with no right of purchasing land outside at all may easily be imagined. What is not realised in England and India is the exiguous basis of the claim on which the European community has built up its expectation of having this vast territory set apart for itself for ever..

### THE CLAIM TO THE HIGHLANDS.

Many years ago, in 1908, when Lord Elgin was Colonial Secretary, a despatch concerning the Highlands was issued from the Colonial Office. In this despatch it was stated that for the purposes of administrative convenience Crown lands in the Highlands would be offered to Europeans. In the same document, the Indian community was reassured, that there would be no legislation passed discriminating against them in the matter of land tenure. The Indians accepted the terms of the despatch on the

understanding that the offer of Crown lands to Europeans was only for the first alienation, but that second sales, or transfers, would be in the open market; because, up to that time, the purchase of landed property has been one of the Indian legal rights, and they had been told distinctly, in the Despatch itself, that those legal rights would remain intact. But their legal position became practically untenable, when, in 1915, during the war period an Act was passed whereby the Governor was given the right of veto on all sales or transfers in the Highlands. They found then that this veto would always be exercised against Indian purchases and was therefore an indirect infringement of their legal status. As soon as this new Act was known in India, it was protested against by the Government of India, but to no avail. The Governor's veto had settled the matter against Indian purchases at sales every time.

One of the oldest residents among the Europeans told me that he was present when Mr. Winston Churchill, on his official visit as Under-Secretary, was definitely asked whether Lord Elgin's despatch referred to second sales, or transfers of Crown lands, as well as to first alienations and he answered that it did not. It only referred to the original grants. The truth appears to be that the whole matter has all along been a gigantic piece of bluff and the Indian has been the victim. The appropriation has been carried out administratively while the promise was being continually made, that the Indian legal rights would be entirely respected.

When I was in Kenya, in 1921, I saw letters from Europeans who desired to sell their lands to Indians and were not allowed to do so. One letter, which I remember, urged the Indian very strongly not to abandon their claim, as many Europeans wished to sell. It has become impossible, however, for Europeans to offer to sell land in the Highlands to Indians (i) because the Governor can go on vetoing such sales, and (ii) because the majority of Europeans would bring social ostracism to bear on the minority who tried to do so.

### THE EUROPEAN POSITION.

Let me make two points perfectly clear: (i) Practically, the whole of the land of the Highlands, outside the African reserves and apart from the small locations in townships, *has already been alienated to Europeans*. As far as original sales of Crown lands are concerned practically the entire Highlands belong to Europeans to-day. But the Europeans are not content with that. They wish to make assurance doubly



sure, and to legalise the present veto, so as to prevent all future purchases by Indians. (ii) The Indian Community in East Africa is never likely to take up the agricultural land in the Highlands in any large quantity, even if open transfers are allowed. But, on the other hand, as we know in Bombay and elsewhere, townships are continually expanding owing to the modern rapidity of locomotion. And the Indians' past experience has shown them that it is the most difficult thing in the world to get ample space allotted to them in such expansion. There is always a serious danger, not only of Indian agricultural land rights being abolished, but also of their town rights being more and more confined. To give a single example, in order to show my meaning, one of the plots, which a European wished to sell to an Indian, when I was there, was six miles from Nairobi. This was the information given me; and I wondered at the time how the Indian community could possibly live,—say, fifty years hence,—if the whole neighbourhood of Nairobi was shut out from them. It would be another case of what has already happened to-day, in the centre of Nairobi itself, namely congestion and insanitation.

#### RACIAL HATRED.

I shall not attempt to follow the correspondent of *The Times of India* in his last article, which he has called 'Racial Hatred.' I would only point out to him, that, more than a year before the non-co-operation movement had begun, the notorious 'Economic Commission Report' was published in East Africa, charging the Indian community with moral depravity and openly recommending their exclusion from the whole of Africa; and in June 1919, the European Convention of Associations took up the same cry of driving the Indian out of Africa altogether. These dates must be carefully remembered, before the non-co-operation movement and the visit of the Prince of Wales are brought forward to account for the present racial feeling. I was out in East Africa in 1919, nearly a year before the non-co-operation movement began, and I was in very serious danger of being lynched in the Highlands, simply because I had undertaken to represent the Indian cause. Daily before my very eyes I witnessed acts towards Indians, on the part of Europeans, that I can only describe as racially brutal. An educated Indian gentleman, who was quite inoffensive, told me that he would not stop in East Africa for a single day, if he were not obliged to do so in order to earn his living; for every day of his life he had to keep silent under some racial insult.

I know that all this will seem incredible to Englishmen in Bombay who read these words; but I can assure them, that, after repeated visits, I have found it to be true and I am not exaggerating in the very least. The racial hatred of to-day was imported from South Africa nearly twenty years ago after the Boer War. It is the old colour prejudice of South Africa.

The writer in *The Times of India* asks "What is to be the solution?" I quite agree with him that Indians in East Africa ought to lead more sanitary lives. I can understand quite well, that more careful sanitary arrangements are necessary in all the townships where Indians reside. But that question is an easy one to settle, with good will on both sides.

### A BULLYING PROCESS.

On the other hand, this settled determination on the part of Europeans to prohibit all Indian immigration, while encouraging that of Europeans, makes peace and good will absolutely impossible. As I have said, their decision was not taken because of the non-co-operation movement in India, or anything of the kind. It was taken long before that, and that has been quite independent of Indian politics. I can state emphatically, on my own direct knowledge and experience, that for many years past everything has been attempted, by Europeans, that could be attempted, to drive the Indians out of the country. Here is the root cause of all the racial feeling. If the non-official Europeans of Kenya Council had been in the majority, this policy of Indian exclusion would have already succeeded. One by one, each Indian interest has been threatened. The attempt has been made to drive out subordinate officials in the Government offices, who have done faithful service, and to replace them with Europeans. The same thing has been tried also on the Railway. Further efforts have been made to boycott and injure the trade of the Indian Stores. What I may call, in one word, a 'bullying' process has been going on, and it is certainly having its effect. Indians are leaving the country, where it is useless to resist any longer.

### THREATS OF REVOLUTION.

Not content with this, armed revolution is immediately threatened by Europeans, if a single Indian claim is granted. I was informed, on the highest European authority, in October 1921 (and this information

was corroborated) that an armed revolution was prepared for, in August that year, on receipt of the news of the Imperial Conference Resolution regarding equal Indian status. The London *Times* declares that "there is no desire on the part of the people of the Empire to shirk the implied consequences of the Imperial Conference Resolution." If that were really the truth, the whole Kenya problem might be settled, as far as the Indians are concerned, in ten minutes. But it is so far from being the truth, that an armed revolution was prepared for by the European settlers immediately on receipt of the news of the Imperial Conference Resolution. Again, quite recently, when a final decision of the Colonial Office was despatched to Kenya embodying the final verdict of two Colonial Secretaries another armed revolution was prepared for. It is quite useless, therefore, to bring forward 'racial hatred' on the part of the Indian as an excuse for European conduct, when for many years past these incessantly provocative actions have been committed and a declared policy of ultimate Indian exclusion has been unanimously determined.

As far as I can judge there is no solution of the Kenya problem, as long as this European attitude of ultimate Indian exclusion remains.

### III. REPLY TO MR. ANDREWS.

March 26, 1923.

TO THE EDITOR OF THE "TIMES OF INDIA."

Sir,—Some weeks ago I contributed a series of articles on the Indian problem in Kenya, which have been criticised by Mr. C. F. Andrews, both in the *Times of India* and in the *Swarajya*.

I wish at the outset to assure Mr. Andrews that I am far from being an anti-Indian. I have too many friends, and have spent too many years in the East, not to be able to see—to some extent at any rate—their point of view. I deeply regret the 'extremist' attitude adopted by both sides, and wish that I could do something to help to bridge matters. Besides the long years spent in India, I know something of Kenya, and own property there. It is open to anyone to accuse me of bias, but I shall endeavour, so far as is humanly possible, to present the outlook of the European settler, and to do so will reply to the criticisms, so far as I can, in the order in which the writer presented them.

I am glad to see that Mr. Andrews, who is an acknowledged leader, definitely asserts that the Indians 'are dropping such immediate claims for administrative and military posts.' I would suggest that it would be wiser and more statesmanlike to drop for the moment all demands for rights and privileges which they have no intention of exercising. To do so would not mean that they necessarily gave them up. Insistence just now on theoretical rights obscures main issues, and arouses fears, and, with those fears, unreasoning antagonism on the part of the men they wish to placate.

### THE FRANCHISE.

Mr. Andrews takes exception to my anxiety lest Swahilis and other Africans should demand the vote, and asks 'Why should not the African, who is educated, have the vote in his own country?' My answer is that, while this may be admitted in theory, in practice there is a danger lest a smattering of so-called education might be used as an excuse for numbers of men, utterly incapable of appreciating modern institutions, obtaining a preponderating influence in the political affairs of the country. In India except in the case of a very few who have been educated on Western lines, I cannot find any real understanding of, or sympathy for democracy as conceived in England. An Englishman might learn all there was to be known about the caste system, but, however much it might appeal to him, he could never really comprehend its significance, because the idea is foreign to his mind. I greatly regret that the constitutional reforms introduced into India have been on these lines, but I am not at present concerned with the new 'Constitution.' What I have seen, however, of the working of British institutions in foreign lands has not impressed me as to their suitability away from their native soil. The African is an absolute savage. He has no culture behind him, and frankly I should want some further proof of his capacity to govern in accordance with modern ideas than a mere power to read and write.

I do not want to put forward any claim that the white is divinely appointed to rule, but we have to look facts in the face, and the truth is that, once the numerically inferior 'white' inhabitants are dominated by the more prolific dark-skinned faces, they will be remorselessly trampled under foot. This remark is in no spirit of hostility. The political superiority of the African would spell the doom of European and Indian alike. When the Bantu, or the Swahili, can show culture

and political mentality on a par with the European, those that live in that age can deal with the problem. Hitherto they have never in the whole history of the world shown either.

Mr. Andrews pleads, so far as I can understand, for the one man one vote, and each vote of equal value. If this is so, can he wonder if the European refuses to accept a position which may radically alter his future?

### IMMIGRATION.

The desire to restrict immigration is partly economic and partly hygienic. That there are very few vagrants is due to the fact that at present most Indians who come out are assured of what is to them a comfortable income, and in justice to their community, it must be acknowledged that they rarely allow a man to become a burden on the colony. The Indian, however, can live on what to the European would mean starvation. Complete equality, under the circumstances is, therefore a misnomer. The settler is beaten by the very much lower standard of living.

The Trader's Unions, whether in Europe or India, base their policy on economic lines, the caste system is another instance of the same idea, while the demand of the majority of the Indian legislators for protection is also due to the belief that 'industry' in this country is unduly handicapped.

It is well known that Indians, especially of the poorer classes, are very susceptible to plague and certain other dangerous diseases. Experience also shows that, when infection lights on virgin soil, it strikes root and spreads appallingly, as we in India know only too well. Unrestricted immigration, the settler is convinced, would result, not only in an increase of unfair competition, but in grave risk to the health of the colony. I may add that this determination to resist unrestricted immigration is directed, not merely against Indians, but against all of whatever race, light or dark, which might tend to lower the standard of living or health.

The question of absolute exclusion seems to me to be exaggerated. I grant that there are persons in all the colonies who put forward wild suggestions, but it is to my mind impossible for any body of men to separate themselves from the rest of the world. In moments of intense

excitement individuals are prone to utter expressions which they would not endorse in their calmer moments. I do not want to harp on grievances, but I would point out that the enthusiasm over Mr. Gandhi and his non-co-operation campaign, the "appreciation" of Marcus Garvey, the statement that, when India has her national army, she is going to enforce her demands on the European, and, finally, the treatment of the Prince, have turned many of the more sober-minded from the path of compromise.

### SEGREGATION.

I gather from Mr. Andrews' letter that he does not object to my suggestion for segregation on a hygienic basis. In this connection I would like to express my regret if I have unwittingly hurt the feelings of himself or his friends. I do not think the garden to which I referred is the one he believes. I remember looking to see if there were any other Indian bungalows in the neighbourhood, and could not discover any. In an case I am willing to admit that all Europeans do not take the pride in their surroundings that they ought, and it should be easy by municipal rules to enforce tidiness on everyone irrespective of race.

I agree also that "If you drive any community into a ghetto, and take from them all municipal rights, you are bound to produce insanitary conditions." If the Indians are unduly cramped, or do not get a fair share of municipal attention, I consider they have a grievance, but I would ask whether, even in the average city in India, hygienic conditions are such as can be regarded as satisfactory.

Mr. Andrews knows India and the Indians far better than I do, but my experience of the caste system is, that in spite of the efforts of certain educated men, it has too great a hold on the people at large to be seriously challenged for a long time to come. Even among the educated a large proportion are very orthodox, and whatever they may say on the platform, are very chary about putting their words into practice. I have often asked some of my friends, men of culture and learning, lawyers, merchants, and legislators— why they are so against mixing with the lowest classes, and they always say that it is because of their dirty habits. If they, as I think rightly, refuse to associate more than they can help with such people, until they have learned to be cleaner, the European can hardly be blamed if he adopts the same attitude.

## THE CLAIM TO THE HIGHLANDS.

I have no means of obtaining documentary evidence as to the conditions on which these have been reserved for the European, but there is no doubt that the land has been taken up on the understanding that it would be reserved for them. It should be remembered that it is only a very small area which is suitable for permanent European settlement, whereas that available for Indian in climatic condition more akin to those of their home-land is very large, and, if the former is squeezed out of the more elevated tracts he cannot go elsewhere.

## RACIAL HATRED.

I want, so far as I can, to avoid all reference to the bad feeling on both sides, due to the fact that, human nature being what it is, passion is allowed to get the upper hand, when the struggle for existence begins. It is not merely the Indian that the 'white' fears. He has the same objection to the Japanese, the Chinese and in fact any race, light or dark, which subjects him to unfair competition. So long as he is not forced into economic rivalry, he can be friendly enough but, once that occurs, weight of numbers, and a lower standard of living breed this so-called race-hatred. We are often told that we are condemned by American, and by our Labour party at home. What is the attitude of the American towards the Negro problem, or towards the Japanese in California? How does the demand for the Labour party for the exclusion of lascars from British ships square with their demand for equality. Only the other day objection was raised in Council against further emigration to Mauritius lest it reduce the standard of living of the Indians already settled there.

I still maintain my opinion that Kenya was not colonised by India. Mombasa has had a few traders from this country for centuries, but, so far as I can learn they never made it their permanent home, nor can I trace any colonisation by them of the mainland. In spite of what Colonel Ainsworth—who by the way is an official—may have said, I am not prepared to admit that Mr. Blayden-Taylor does not know what he is writing about. The Indian petty trader no doubt did take advantage of the situation to penetrate the country commercially, and all honour to him for it, but that he could have colonised Africa alone is disproved by the fact that for centuries he never took up any permanent position of the island.

There are many other points which I should have like to have gone into more fully, but I have already exceeded the limits of a letter to the press. I much regret that I have never had the pleasure of meeting Mr. Andrews, but I have talked over this problem with many Indians of position, both extremist and moderate, and, whether I have convinced them or not, they have all agreed that I had thrown new light on the subject. At any rate, I can assure him that, while I could not, as an imperfect human being, agree to any action which might result in my own ruin, I am far from being imbued with uncompromising race-hatred.

THE WRITER OF THE ARTICLES.

## VI. Mr. ANDREWS AGAIN.

TO THE EDITOR OF THE TIMES OF INDIA.

*April, 11, 1923.*

Sir—I am grateful to your correspondent on the Kenya Problem for his thoughtful and kindly reply to my criticism. The subject will have such prominence in the immediate future when the deputations reach London, that I trust I may be allowed to carry the discussion further. For, if a solution cannot be reached, the “Commonwealth” idea of the British Empire must be finally abandoned. To this main issue I would now return.

It is no longer the fact to-day, that the absolute exclusion of Indians from Kenya is being advocated only by a handful of irresponsible Europeans. It has now become the settled policy of very nearly the entire European population. This is evidenced in resolution after resolution monotonously passed by the Convention of Associations, making “ultimate prohibition” of all Indian immigrants the irreducible minimum demanded.

I have just received the latest weekly edition of the “East African Standard,” which gives a very large amount of space to an historical gathering of Europeans at Nairobi for the Convention. His Excellency the Governor was there at the opening and many officials remained throughout the session.

At the Convention meeting, which was thus officially countenanced, the Immigration report of a select body of Europeans, who had been summoned by the Governor for consultation, was read and approved, wherein it was stated that no terms would be accepted from the Colonial



Office which did not include control of immigration. A Draft Ordinance was put forward with the following immigration test: (i) An education test of reading and writing "in a European language to be selected by the Immigration officer;" (ii) a deposit of 1,000 shillings (which at present rates is roughly equivalent to 1,000 rupees) ; (iii) discretionary powers given to the Immigration officers to watch closely any doubtful immigrant for a whole year, while retaining his 1,000 shillings security. The immigrant can also be deported for economic reasons and for "habits of life unsuited to the requirements of the country," though this last can only be done under an order of the Governor-in-Council.

It is easy to see the drift of this proposed legislation in the hands of a bitterly hostile Government. From Capetown to Mombasa it is becoming a settled policy that the Asiatic must be excluded, because his civilisation is incompatible with that of the West, and because the vast uplands of Africa must everywhere be reserved for Europeans.

"The problem of Africa," it is said, "is complicated enough, owing to the inter-relation of the two races, the white and the black it would be fatal to introduce the brown and the yellow. As the Indian is only present in Africa to-day in a few thousands, it will not be difficult to get rid of him, if it is done at once. But there must be no delay. The Chinese have been practically eliminated. The Indian must follow. There are two obvious methods. Asiatic immigration must be altogether prohibited and those who are domiciled in the country must be entirely segregated. Later on, with no fresh influx, they will die out. Then, the whole country will be left for European civilisation alone. The African, who is a child and savage, will not be confused by a double standard of living. He will not learn bad habits of uncleanness and immorality from the Indian. He will also not be cut out by the Indian artisan."

Such arguments as these have become what is it hardly too much to call a "religion of the white race" in Africa. I have called it a "religion" because it is held with fanatical faith, and because those who believe are prepared to die for their belief. Furthermore this racial creed grows stronger from what it feeds upon. To give an example only, Mr. C. Kenneth Archer, who was too ill to take the chair at the great Nairobi meeting, sent the following message:— "Hitherto what has been known as the country's "irreducible minimum" has, in my opinion, conceded more than we ought now to be prepared to concede to the Indians."

As the "irreducible minimum" contains the phrase "ultimate prohibition," it is difficult to see what more could be demanded except immediate exclusion and, judging from the Draft Ordinance, that it is their proposal.

I trust that, in all I have said, I have not left the impression that there are no Europeans in Africa who hold the wider "Commonwealth" idea. At Capetown, I met some of the most liberal Englishman in the civilised world, men like Mr. J. X. Merriman and others. Mahatma Gandhi found his true friends among Europeans in South Africa. Twice over he was rescued from death itself by Englishmen and women. I have lived with English settlers, who were as free from racial passion as your correspondent and as full of courtesy. In East Africa itself, there are men like Mr. R. Chamberlain, of Elementeita, who have most bravely withstood the racial passion of the times. Let me not be mistaken. The "Commonwealth" idea is not dead. There is still the possibility of a return of the old affection which was very true and sincere bygone days.

There is a sonnet of Drayton, which has seemed to me to express the lover's quarrel that has arisen between the best that is in India and the best that is in England. I can imagine to-day India thus speaking to England:—

"Since there's no help, come let us kiss and part—  
 Nay, I have done, you get no more of me;  
 And I am glad, yea, glad with all my heart,  
 That thus so cleanly I myself can free.  
 Shake hands for ever, cancel all our vows,  
 And when we meet at any time again,  
 Be it not seen in either of our brows,  
 That we one jot of former love retain,—  
 Now, at the last gasp of Love's latest breath,  
 When, his pulse failing, Passion speechless lies,  
 When Faith is kneeling by his bed of death,  
 And Innocence is closing up his eyes.  
 Now If thou wouldst, when all have given him over,  
 rom death to life thou mightest him yet recover."

The continual exclusion of Indians from the British Dominions with a callousness which becomes almost brutal, can only end in bringing one result to the old affection between India and England. Faith

in England Liberalism is now very nearly dead and Englishmen are regarded as too sordidly engaged in money-making to be just and generous. But one true gesture, one truly liberal act, and the old friendship would return:—

“Now, if thou wouldst, when all have given him over,  
From death to life thou mightest him yet recover.”

Ahmedabad.

C. F. ANDREWS.

## PART II.

### NEW PLANS TO BLOT OUT THE VERY EXISTENCE OF INDIANS IN EAST AFRICA.

East Africa Indian National Congress, Nairobi,

*Dated 18th April 1923.*

An Organisation under the name of “The European and African Traders’ Organisation” has recently been formed by some Europeans enthusiasts with the sole object of damaging the Indian commercial life in the Colony. The launching of this new movement is a clear signal for the Indian community to take note of the coming danger, for its very motto “Every European and every African is an Asset to Africa and every one else is a Liability” indicates its sinister motive and its rigorous future efforts to do all that lies in its power to get rid of the Indian element from the country. The circulars to hand issued by the Organisation clearly point to the hostile nature of the movement and strongly appeals to all the sections of the European community for their cordial co-operation with the efforts to exclude the Asiatics “definitely from our Home and Commercial Life.” It endeavours to arouse feelings of hostility in the minds of the European Merchants against Indian by the clever assertions like these set below:—

“So soon as the Asiatic gains any measure of control and becomes a factor in our daily life, so soon does he, through his paid agitating (look to the mischievous phraseology) Organisation, make further claim and threaten on our very existence.”

“Such a state of affairs cannot continue, we can no longer force a continuance of the present and ever recurring position; the looking back upon the years of hard toil is sterile of results, sterile of progress,

every promise of a better state crashed to earth at the bidding of the Organisation of an alien race, a race we should never have included in the economic fabric of our Home Kenya."

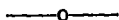
It is through such mischievous propaganda work, that this new organisation is stimulating the Europeans to take up wicked measures of boycott and economic exclusion against the Indians. It is needless to say how ruinous the efforts of these mischief-mongers can prove for the Indian community, should they fail to take heed of this wicked vicious propaganda on the part of the Europeans. Their very existence is endangered unless they rise equal to the occasion and show themselves to be more than a match for their rival European Traders. Boycott and co-operation with them is the only right course to be adopted at the juncture. Stand against them and show them that you can carry out an effective campaign of boycott against them, by having to do with them in any sphere of your daily life. Unless you prove yourselves strong, firm, independent and resourceful as to present through the European community as a whole, it will not come to its end. The time has come, gentlemen, when we have to put up a very strong defence against our adversaries in order that we may be able to keep our independence and protect our interests in the midst of these very vexatious conditions of life through which the Indians are passing.

Congress feels hopeful that all the different sections of the Indian community will gird up their loins and prove strong enough to combat the threat on the part of this new hostile Organisation by their rigorous and energetic campaign of boycott, that is to say, by taking strong defensive measures against the whole European community socially and commer-

MOHD. LATEEF,

Hon. Secretary,

The East Africa Indian National Congress



#### EUROPEAN AND AFRICAN TRADERS' ORGANISATION.

*Our Motto* "Every European and Every African is an Asset to Africa, Everyone else is a Liability."

OURSELVES.

*Letter No. 1.*

At present we are an unpretentious and almost unknown body composed of a few individuals who realise the dangerous position that the

European and African communities of Africa are in to-day, but ~~we hope~~ in fact we feel convinced, that this will not be our position for long.

That our birth is some fifteen years late we realise and it is ~~due to~~ this late appearance that the European and African races in find themselves in the position that they are in to-day.

If in 1908 the Europeans in Kenya had realised the ~~da~~ <sup>organic</sup> ~~boy~~ <sup>say</sup> confronts us to day and had they then organised to secure the maximum of business offering, the maximum of development and had commenced then to educate the African to take his proper place in commercial and industrial life of this ~~cl~~ <sup>on</sup> ~~of~~ there would be no Asiatic question confronting us to-day.

Instead, they were content to take what appeared to be the road and the result, is and always must be, if we do not now r supreme effort to prevent it, trouble.

The objects of the Organisation that we are now launc to endeavour to put right, as quickly as possible the mistake past, but we cannot hope to do this without the cordial co of every section of the European communitiy.

The experiences of recent years are that we built our castl by storey, with the sweat of our brows and the toil of heads al only to find our edifices hurled to destruction by the unwarranted demands of a section of the community with whom we hav over-ready to co-operate.

Such a state of affairs cannot continue; we can no longer a continuance of the prescnt and ever recurring position; the k back upon the years of hard toil is sterile of results, sterile of progr every promise of a better state crashed to earth at the bidding of al Org: nisation of an alien race, a race which we should never have included in the economic fabric of our home—Kenya.

However long the task, however difficult the process, we must now and for all time make up our minds to exclude the race definitely from our Home and Commercial life.

We are a few of those who are tired of building on quicksands and who believe that, however costly or difficult the necessary excavation may be, a sound and solid foundation must be obtained.

To include the Asiatic in our economic situation is to include an element whose only ideas are the making and removing from the country whatever monetary gains it is able to accumulate and—our destruction.

Look at the history of the past years and see if this not be so.

So soon as the Asiatic gains any measures of control and becomes a factor in our daily life, so soon does he through his paid agitating organisation make further claims and threaten our very existence.

Like ants, we work patiently and labouriously, over many years and in a night our structures are destroyed by Asiatic agitation.

Capital is frightened away, development is brought to a stand still, and all the results gained from the strenuous work done during the years intervening between one Indian crisis and the next are lost.

3 Like ants, we must start again, but, for the love of Kenya, let us make a job of the matter once and for all and start our buildings on a sound foundation.

Hei p we shall require, and help we shall ask for and expect to get as we feel s ure that if only every European in the Colony can be imbued with the right spirit regarding this struggle to keep Africa for the Europeans and Africans we shall win through.

In our subsequent letter we shall tell you in more detail what we are out to do, and how we want you to assist us to do it, and also some of the difficulties that we shall have to overcome and we shall also let you know very clearly in which directions you assist us in this European and African movement.

Show this letter to your European friends and favour to get them interested in this movement and to realise the seriousness of the position that the Europeans and Africans of Kenya are in. Remember that "Every European and every African is an asset to Africa. Everyone else is a Liability."

Letter No. 2.

### ' OURSELVES AGAIN.'

We must apologise for writing again to you about ourselves, but we feel that you should be kept informed of how we are growing and our general health, as on our general growth and strength depends our ultimate success.

Last week we were hardly born but we have made great progress during the intervening few days.

To day we have reached a stage when we begin to move our limbs, as strength is coming to us daily.

We have formed a General Committee representing all the Leading Business Firms of Nairobi.

We have obtained the services of an Organising Secretary.

We have a willing, sound working Executive.

We have an Office.

We have guarantees for funds sufficient to carry us on for a few months.

In fact we are down to work.

What we want now is the cordial co-operation of the whole European community imbued with the right spirit, and given this and organisation, things will begin to happen.

At present we are busy collecting data regarding the actual position of every business in the country. We are ascertaining difficulties that each and every business in the country is facing to the non-employment of Asiatic labour to take the place of the able aliens. We are investigating the difficulties of those who cannot they avoid dealing with Asiatics unless they shut down.

Difficulties are appearing on every side, as we expected, of them are difficulties that only the right spirit and the right action to enable them to be overcome in time.

We have, one and all, to make up our minds that we will accept some inconvenience, possible also some temporary financial but what are those, if by facing them we are going to save and for all time our Home, our Business and our children?

You will, no doubt, have begun to realise what some of our Organisation are, but we think it will be well to state what we are out to do.

*Our main objects are:—*

1. To encourage in every possible way the co-operation of Europeans and Africans in Kenya Colony
2. To encourage the introduction of European artisans, mechanics, clerks etc.

3. To encourage the opening of European and African stores throughout the Colony.
4. To encourage Europeans and Africans to deal only with these two races.

To enable us to carry out these objects it has been necessary to establish Labour and Information Bureau in Nairobi, and this Bureau will in time deal with.

1. The supply and demand of European and African labour.
2. It will also ascertain, the sources from which such labour can be obtained.
3. Will encourage the members of this Organisation to use their utmost endeavours to influence all Europeans to support the objects and finances of this Organisation.
4. Will act as "Liasison" with District Organisations and neighbouring Territories for the purpose of assuring that a common policy is adopted throughout East Africa in regard to the above objects.

An ambitious programme you may think, and difficult to bring to such a state of fruition as will influence the Indian menace that confronts us to-day.

We grant you that it is, but we are convinced and we think you will be convinced if you consider the matter carefully, that it is not by any means an impossible one.

It entirely depends upon you and the rest of the Europeans who are to-day being threatened with extinction. Give us your whole-hearted support in forwarding the objects of these Organisation, and the aggregate pressure that will thus be brought to bear will, in a short time, begin to have its desired effect.

Do not throw this in the W. P. B. but show it to your European friends and get them like yourself to adopt the motto that we have taken as our guide.

"Every European and Every African is an Asset to Africa. Everyone else is a Liability."



NOTE.—Send in your names to the organising Secretary for membership, together with any donation to the funds that you are able to afford—but send in your name.

NAIROBI HOUSE,  
Nairobi, Kenya Colony.

Dear Sir.

As you are aware, one of the main objects of our Organisation is to encourage the introduction of European and African artisans, mechanics and clerks, and other employment wherever such is possible and to enable this object to be accomplished necessitates the importation of these people from England and other parts of the Empire.

At the present time there is no organisation beyond this one to deal with this most important movement towards the gradual elimination of undesirable aliens.

In this elimination of this undesirable element, which is to-day causing us all pecuniary losses and is generally upsetting the whole commercial and industrial life of the Colony, lies perhaps the ultimate solution to the Question of the Day.

If we can create a position that does not offer the attractions that Kenya does to-day to the Indian artisans and traders, as we can do if we all join in the movement according to our respective capacities we shall not only stop the present rapid increase in the number of the Asiatics that are now pouring into the country but we shall cause a ver considerable decrease in the number that are already here.

To get this movement on to a really sound basis demands that adequate Funds be made available, and you are asked here and now to subscribe whatever amount you can afford to enable this organisation to be placed on a really sound lasting footing.

You may rest assured that your money will not be wasted in any way, as it will be controlled by your own representatives, who, are on the General Committee of which Capt. W. Tyson is the Hon. Treasurer.

We ask you therefore to become a member of this Organisation forthwith, and to fill up the enclosed form and at the same time to send us a cheque for such amount as you are able to subscribe.

If you are unable to subscribe towards the funds of the Organisation, in any case enrol yourself as a member which will show that you are in sympathy with the movement and can be relied on to do everything you can towards furthering its objects, which are:—

1. To encourage in every possible way the employment of the Europeans and Africans.
2. To encourage the opening of the Europeans and African stores throughout the Colony.
3. To encourage the introduction of European and African artisans, mechanics, clerks etc.
4. To encourage Europeans and Africans to deal only with members of the above two races.

Yours faithfully,  
 R. B. TURNER,  
 Organising Secretary.

## MEMORANDUM ON THE KENYA SITUATION.

## BY THE KENYA INDIAN DELEGATION.

Long before the British connexion with East Africa, the merchants of India had a peculiar interest in the trade of that country; free access to it has been an Indian right, which has never been disputed, from immemorial times. This commercial intercourse undoubtedly brought mutual benefit to India and Africa. Major Pearce, in his book on Zanzibar and East Africa, traces the close relation of the West Coast of India to the East Coast of Africa back to the fifteenth century. Vasco da Gama found large merchant vessels from India harboured at Mombasa.

Coming to a more recent date, we have abundant evidence to prove, that it was owing to the presence of Her Majesty's British Indian subjects in East Africa, that the country was first made into a Protectorate under the British Crown. Thus it can be historically proved, that it was to a very large extent the presence of the British Indians along the coast, which led to East Africa first becoming a sphere of influence within the British Empire. Sir John Kirk, the first Consul-General of the East Coast of Africa, stated categorically that, but for the Indians, the British would not have been in East Africa at all.

In the development of the interior, the Indians have also played a very important part. There is abundant evidence to prove, that in every fresh advance they were able to do the pioneer work of opening up the country to trade. Without this rapid economic development further penetration would have been impossible. It needs also to be mentioned, that while the capital provided for the Uganda Railway was British, the labour employed came from Indians. Very great risks had to be run and a large number of Indian workmen lost their lives owing to the severe ravages of wild beasts. It is doubtful if the railway could have been built so speedily with any other form of labour; and the rapidity with which it was built undoubtedly led to the early pacification of the interior of Kenya and also of the provinces of Uganda and South Soudan.

Perhaps, at this early stage, the most useful part played by India, in this work of pacification, was the provision, at the earliest possible moment, whenever danger threatened, of military forces. Again and again, when native rising occurred, and also when rebel-

lion had actually broken out in that part of Uganda which now forms part of Kenya, troops were hurried across from India; and ammunition and stores were provided, without which no campaign in modern times is possible. We may be allowed to mention here that in 1896 an Arab Chief called Im Baruku invaded Imlindi and other places on the Mombasa coast and in the course of his raids looted the Indian Merchants, who were not even compensated for the losses.

In the European War, which has recently been concluded this importance of the nearness of India to East Africa, from the military standpoint, has once more been abundantly evident. Throughout the whole of the very long and arduous campaign, which was necessary before the enemy forces finally surrendered, India had to be called upon to supply the main military requirements. We have no wish to underestimate the valuable aid rendered by South Africa and Rhodesia, but it has to be remembered that South Africa at the beginning of the war was faced with internal rebellion, and therefore at the most critical juncture of all was unable to provide either men or ammunition. Great Britain also was engaged to the full in the heroic struggle on the Western Front, and no ammunition or equipment could be spared for the East African campaign. It must not be forgotten also that in the East African and other Eastern campaigns, in Mesopotamia and Palestine and Gallipoli, the loyalty of His Majesty's Indian Musalman troops, who formed nearly one-half of the fighting forces and are mostly Sunnis by religion, was put to a very severe strain, because they had continually to fight against their own fellow-Musalman and their own Khalifa. 47,704 Indian soldiers participated in the East African theatre of war alone and 5,018 actually lost their lives. It was regarded as certain by everyone who fought, that India would receive generous consideration at the hands of Great Britain at the end of the War.

It is necessary, at this point, to remove two very serious misapprehensions. First of all, it has been stated, that in the East African campaign, the local Kenya Indians played the coward and the traitor and rendered no material assistance. The true facts are briefly these. In the beginning of the war, a considerable body of local Indians volunteered. Two companies were formed and were sent to guard the railway. But when trained Indian troops came out from India these were disbanded. There was, at this time, an unworthy fear on the part of the Europeans, which led to a panic. During this

panic, no Indian was safe from suspicion. Certain Indians, whom we believe to have been innocent, were shot under martial law and without a fair trial. Others, whose innocence has since been proved, were condemned to death. It was the intervention of Sir Robert Hamilton, Ex-Chief Justice of Kenya and Colonel Notley (a late Acting Governor of Kenya) and other Europeans, which eventually saved their lives. What we are obliged to state is this, that there was very little generous trust on the part of the European military commanders, as a whole, such as would have called out trust in return. In spite of this, the local Indians did everything they could to show their loyalty in defence of their adopted country, and the secretarial and railway and business work of the Protectorate was carried on efficiently, owing in a great measure to the faithful and arduous work of Indians who were in subordinate positions. When finally these Indians along with others were conscripted for military service, they continued to do their duty faithfully and well. Indians, in addition to the above, have made handsome contributions to Red Cross and other War funds.

Secondly, it has been stated that the people of India were seeking an opportunity to found Indian Colonies or dominions in East Africa, and that such claims had been already made on account of war services. To think thus, is to misunderstand the mentality of India which has never favoured or countenanced external Imperial possessions. During the war, Sir Theodore Morison himself proposed the idea that India should claim the government of the enemy territory, now called Tanganyika, but his view was not accepted in India. All the leading Indian statesmen declared strongly against it. It is true, that individuals among the Kenya Indian community have spoken in favour of this idea, and that a resolution was once carried in the East African Indian Congress; but it was immediately rescinded, when the news was brought from India that Indian statesmen themselves were opposed to it.

I wish to add to Part I of the Memorandum the following notes which will illustrate and explain the text:—

(i) Sir H. H. Johnstone writes:—

“The participation of Indians of all classes with us in the conquest from the slave traders, the survey, the opening up, the discoveries of botany and zoology of East Africa, from Abyssinia and Zanzibar down to Natal, has been too noteworthy to be overlooked by the

European immigrants into the British possession so ridiculously mis-named "Kenya". The British white men have been the leaders in East African enterprise, and they have been loyally backed up, laboured for, fought for, by thousands of black-men. But the intermediary role played by the Indian sepoy, non-commissioned officer, surveyor, clerk, surgeon, botanical collector, trader and horticulturist, in all East Africa, from the Zambezi to Somaliland, has been too important and loyal to be overlooked in the callous way characteristic of the thousand recent white settlers in the hinterland of Mombasa. The injustice of their attitude, the excess of their influence, revolts me, who strove before they were born, to open up East Africa to knowledge by the help of Indian troops, Indian doctors, and Indian clerks."

(ii) Mr. Winston Churchill (when Under-Secretary of State for the Colonies) writes:—

"How stands the claim of the British Indian? His rights as a human being, his rights as a British subject, are equally engaged. It was the Sikh soldier who bore an honourable part in the conquest and pacification of these East African countries. It is the Indian trader who, penetrating and maintaining himself in all sorts of places to which no white man could go, in which no white man could earn a living, has more than any one else developed the early beginnings of trade and opened up the first slender means of communication.

"Is it possible for any Government with a scrap of respect for honest dealing between man and man to embark upon a policy of deliberately squeezing out the native of India from regions in which he has established himself under every security of good faith? Most of all, we ask, is such a policy possible to the Government which bears sway over three hundred millions of our Indian Empire?"

## THE KENYA MEMORANDUM.

### II.

The second part of the Memorandum, which will be reproduced in this article, deals with the most important consideration concerning the British occupation of East Africa. The assertion is continually made that the Indians did not advance far beyond the East African coast line, until the British went forward into the interior. This statement, though not strictly accurate, may be accepted for the sake of argument. But it proves nothing. Because as the Memo-

randum goes on to show, the whole advance into the interior, in which the Indians took a most responsible part, was made with the direct object of opening up the country for Indian settlement. With this end in view, Indian troops and administrators were freely used, and as Sir John Kirk (who was Consul-General for a long period of years and saw the occupation carried out) has correctly said, "Without the Indians, the British would not be in East Africa, to-day."

I would bring to notice here one slight incident which is in my own recollection. In 1904, I made the acquaintance of Colonel Montgomery, of the Punjab Civil Service, who was then Financial Commissioner of the Punjab. He told me, that he was soon going out to East Africa as Chief Commissioner of Lands, and explained to me that the Foreign Office was relying on Indians for the supply of this new territory. When I went out to East Africa in 1919, I found that his son-in-law was Chief Secretary of the Government of Uganda. Such slight coincidences as these bring home very forcibly how, during the whole period of Foreign office administration, which lasted till about 1906, the Government of East Africa was intimately connected with India. The Indian case, with regard to this period, could have been made very much stronger, if more details might have been added; but in such a Memorandum, it is, of course, essential to observe the rule of brevity. The second section of the Memorandum reads as follows:—

#### *Memorandum—Part II.*

To turn back once more to the early days of the British East Africa Protectorate, it is undisputed that for many years the whole policy of the British Government was directed towards connecting it in every possible way with India. Administrators from the Indian Civil Service were sent over direct from India to East Africa, in order to build up the administration of the country on the Indian model. The Indian Penal Code was introduced at a very early date. The Indian rupee coinage was adopted. It was clearly understood that the closeness of the East African coast to Bombay made its natural connexion with India inevitable. The past history of the two countries pointed in the same direction. Far-seeing British statesmen saw clearly that the closing of all the self-governing dominions to India would leave behind it a grievance and a sense of injustice. In order, to some extent, to compensate for this, it was openly declared that the new British territory in East Africa would be regard-

ed as a legitimate field for emigration from India. Independent European testimony has been recorded that one of the strongest argument advanced for the recommendation of the building of the Uganda Railway was to provide an outlet for settlement from the congested districts of India. With this object in view, certain efforts were made to direct the stream of Indian emigration towards these shores.

With the discovery and settled occupation of the Uplands, a change in the angle of British vision commenced. An exaggerated picture was drawn of the wonderfully bracing climate of this part of the country, and attempts were made on a large scale to get Europeans to settle there. After the Boer War, a considerable number of Boer and British from South Africa came up to the Kenya Highlands, and during this first boom of them as a "white man's country" a sinister change (from the Indian point of view) began to take place in British policy. While no legal restriction on the purchase, or sale, of land was at this time imposed by any law, the acts of administration again and again were altered in that direction. In 1907 the Land Board of the British East Africa Protectorate recommended, that Government land in certain specified areas should not be allotted to Indians and that Indian immigration should be discouraged. But Colonel Montgomery, the Commissioner of Lands, reminded Lord Elgin, the Secretary of State for the Colonies, that the claims of the Indian community could not thus be lightly disregarded seeing that (I) they were in the country long before the Europeans had settled there, (II) the Uganda Railway would never have been built but for Indian labour, (III) most of the trading wealth of the country was in the hands of Indians, and (IV) Indians were British subjects. In his Despatch to the Governor, dated March 19th, 1908, Lord Elgin said:—

"With regard to the granting of land to Indians it is not consonant with the views of His Majesty's Government to impose legal restrictions on any particular section of the community, but as a matter of administrative convenience grants should not be made to Indians in the upland areas."

It will be seen, from the above quotation, that the legal rights of Indians to purchase land anywhere in the Protectorate to this point, in any way finally invalidated. At the same time the grants of Crown lands, within the upland area, were



Europeans. Nothing was in this Despatch concerning the transfer, or purchase, of these Crown lands after the first alienation to Europeans had been concluded.

This action of Lord Elgin's on his own initiative, at the clamour of European settlers, in giving preferential dealing to Europeans by an administrative act, has led to further consequences. More and more, the definite attempt has been made to enlarge the boundaries of this circle of European preference at the expense of the Indian community, which had been from the first so closely connected with the country. The most serious step in this direction was taken during a critical part of the East African campaign, in the year 1915. A local statute was then passed which gave the Governor the right of veto on all sales of land in the British East African Protectorate between persons of different races. This was admittedly aimed at preventing any Indian purchase of agricultural land in the Uplands from Europeans who had received grants from the Crown. Immediately on hearing the news of this, the Government of India protested on behalf of the Indian people, whose legal rights were now, for the first time, clearly and unmistakably invaded. But the exigencies of the European struggle made any fair hearing of the Indian protest well-nigh impossible.

A further invasion of Indian rights, has proved to be one of the root causes of the present trouble, was the enactment of legislation, in 1919, whereby the Europeans received the franchise on an adult basis, while even the most limited Indian franchise was refused.

Another method, by which the rights of Indians have been prejudiced, by means of administrative action, has been the refusal to promote Indians, who have earned their promotion by merit, either in government or railway service. We claim, that among those who have already been admitted to Government or railway service, or who may be admitted in the future, the colour bar should be entirely removed, and merit alone should decide the question of promotion.

In the past few months an attack upon Indian rights, which is more dangerous than any which we have hitherto mentioned, has been made in the Legislative Council and outside it. Indians, as we know, have had the right to emigrate freely to East Africa for long past times. Yet they have now been threatened with a restriction of that right on grounds which will not bear examination. Resolutions have been passed, in successive

meetings of the European Convention of Associations, demanding the ultimate prohibition of all Indian immigration. A draft Ordinance has recently been framed, which contains the "Australian test", that each immigrant from India shall be obliged to pass an examination in any European language which the Immigration Officer may himself select. It is notorious that this test was originally devised in order to keep out everyone from Australia who was an Asiatic; and this fact is sufficient by itself to explain the meaning of the proposed legislation.

One further attempt, on a large scale, has been made to bring in racial legislation. Under the cover of a Public Health Act, racial segregation, in spite of opposition on the part of the public Municipal Medical Officer of Health, would already have been enforced by law, if the Colonial Office had not intervened. The Indian community has never objected to sanitary measures being taken and sanitary laws, affecting all races alike, being passed. But they have maintained that the natural inclination to live apart should be allowed to take its own course and that the stigma of racial segregation ought not to be imposed by law.

I wish to add to Part II of the Memorandum the following notes:—

(i) Letter from S. Baker, Esqr., the oldest settler in British East Africa, to Mr. A. M. Jeevanjee written in 1920:—  
Dear Mr. Jeevanjee,

I think you should try to inform Lord Milner that when the Uganda Railway was made, the principal idea of this was, that it would create in East Africa a very fine country for the surplus populations from the congested districts of India. May I tell you why I know this?

When the Government was approached to make the Railway they were rather reluctant to do so on account of the cost, so Sir F. Lugard, General McDonald and Mr. Gerald Portal were asked to see—

- ✓ The Manchester Chamber of Commerce,
- ✓ The Liverpool Chamber of Commerce.
- ✓ The Glasgow Chamber of Commerce.
- ✓ The Birmingham Chamber of Commerce.

They came to Manchester first Mr. Arthur Hutton, Chairman of the Cotton Growers' Association, and myself as representing the Chamber were deputed to meet them at the Queens Hotel, Manchester, at dinner. This resulted in recommending the Government to make the Railway almost solely on account of releasing the congested districts of India, otherwise it would not have been proposed by us. Liverpool, Glasgow and Birmingham Chambers said the same.

British East Africa was at that time under the Foreign Office.

Yours sincerely,

SANDBACH BAKER

(ii) Statement made by Major Pearce, C.M.G., Resident of Zanzibar, to Mr. C. F. Andrews in 1920:—

“The first element of progress, in dealing with the raw savage, is to gain his confidence by means of trade and barter. Here the presence of the Indian is invaluable. The native is not frightened of him, as he is of the European, and the Indian pushes out in the back regions, where no white man could go. The native comes along with a few eggs, a lump of bees' wax and other produce, and sits down to bargain with the Indian. They go on bargaining (sometimes for hours)—the European could never stand it!—and at last the native goes away contented with a bit of Manchester cotton cloth, and the Indian takes the egg to the nearest market. There could not be a better go-between for such a useful purpose of exchange.”

(iii) In 1919, when the franchise basis of the new Legislative Council was being settled, a proposal was made by a European present, that only such Indians as had obtained University Degrees in recognised Universities should receive the franchise on the same register with the Europeans. This proposal was seconded and put to the meeting, but the meeting voted against it. The argument used was that the franchise must be strictly confined to the white race.

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## THE KENYA MEMORANDUM.

### III.

In the third section of the Memorandum we come to the immediate causes of the dispute, and the attitude of the European settlers in Kenya is now made clear. The statement of their demands, which

they have presented to the Government of Kenya again and again, almost at the point of bayonet, has been briefly summarised as follows, by leading Europeans in Kenya, on behalf of the whole European Community:—

- (i) Strictly controlled Indian immigration at present with a view to ultimate prohibition.
- (ii) Two nominated, and not elected, Indian members of the Legislative Council.
- (iii) Segregation in residential areas, and where practicable in commercial areas also.
- (iv) No alienation to Asiatics of land in the Highland area.
- (v) Full recognition of existing Asiatic property rights.

These were put forward in June 1919, and re-affirmed in 1921, and again re-affirmed in 1922 and 1923, as the irreducible minimum terms, which the Europeans are ready to accept. Direct Action is threatened if they are not complied with.

In order to show that the words “at the point of the bayonet,” which I have used above, are not an exaggeration,—I was informed by the highest authorities in Kenya Colony, in October, 1921, that a fully prepared armed rebellion had been threatened during August and September that very year, if the Indian demand of an equal franchise was brought into legislative effect. The same threat of armed rebellion has been actually published in London on behalf of the European settlers by Brigadier-General Stone in the May number of the Nineteenth Century Review. No condemnation of this action has ever been made, as far as I am aware, either by the Kenya Government, in Kenya, or by the Colonial Office, in London. It is hardly too much to say that this threat of European violence has been always present in the Kenya Conversations, which have been taking place in London. It has been a terribly unsettling factor throughout, and the British Government has not seen its way to order this threat to be withdrawn, before the ‘conversations’ should proceed. Personally, I wished that it had been possible for the Kenya Indian delegates to withdraw, until this threat of violence had been removed, which was disturbing all peaceful discussions. But I found that they had already agreed to come to London and hold discussions, on equal terms with the Europeans, while this threat was in force. Therefore, a withdrawal at the last moment would have been impossible. I would add, that the

whole demeanour of the European delegates was more peaceful in London; they did not go about brandishing the sword there. But Lord Delamere never withdrew his own threat of direct action; and no disclaimer at all was made of Brigadier-General Stone's violently inflammatory article, which was used freely, and quoted from freely, in the Sunday Newspaper Press. The third section of the Memorandum reads as follows:—

### MEMORANDUM—PART III.

In addition to all that we have mentioned, it remains to be pointed out how persistently, even in the smallest details, the European non-officials, who have been elected to the Legislative Council, have used their power in order to change the character of the Administration so as to make it exclusively European and to serve predominantly British interests. At a critical moment, shortly after the war, they were able to press to the utmost and carry through a change in the currency by which the Indian rupee was abandoned and florins and shillings were substituted. As a result of this change of currency the Colony has been in fact recognised by all independent thinkers to be near bankruptcy. A determined effort has been also made gradually to abolish all the marks which are still left, whether in legal code, or in government machinery, of the earlier Indian Civil Service administration. At every turn, proposals are being put forward, that legislative measures should be taken to supplant Indians in the public services by recruiting Europeans.—often with little or no regard to the added expense involved. Thus, it has become evident, that the final expulsion of Indians from East Africa is the end which is always held in view. This object is quite openly confessed, and the example of South Africa is being closely watched and followed. It may be, that a few vested Indian rights will be allowed to remain secure for time. Such has been clearly stated by the European. But when once the exodus of Indians to India has begun, it is clear that everything possible will be done to accelerate it. Indians are in no wise regarded as members of the same Commonwealth but are openly called "Aliens" and "enemies". Privileges of occupying houses in European residential quarters, and of purchase of land in the Highlands, are freely granted to foreigners, who are non-British, while Indians who are British subjects are excluded.

It is contended by the present Kenya Indians and by our fellow-countrymen in India itself, that all this is in flagrant and direct violation of pledges of equality and justice, which have been given to Indians from a very early date up to the present time. When the resolution concerning equal status was finally passed at the Imperial Conference of July, 1921, it was supposed that at last these pledges were going to be fulfilled. But the conduct of the Europeans since then has shown unmistakably to us that they are determined by violent and open rebellion to prevent the wishes of the Ministers of the Crown, representing His Majesty the King Emperor, from being carried out. Not once, but twice, they have threatened such rebellion, and they have so intimidated the Indians who are resident in Kenya by their violent behaviour that many peaceable Indian citizens have left the country. We would venture to point out to the Colonial Office the fact, that, in the last twenty-seven months, nearly 5,000 more Indians have gone out of the port of Mombasa on the B. I. S. N. Co's steamers (the only line running from Bombay to Mombasa) than those who have come in. We have no doubt whatever, that this exodus is largely due to this increasingly harassing treatment by Europeans, combined with the depression in trade which this perpetual conflict involves.

We feel that it is necessary to call the attention of the Colonial Office to the fact, that the medical evidence is accumulating which goes to prove that the Uplands of Kenya are not (what they are represented to be) a "whiteman's country." Owing to their great altitude and to the direct rays of the equatorial sun, there are few people from the cold northern climate of Great Britain who are able to bear continuously the life in the Kenya Uplands, without change. A proof of this is seen in the compulsory furlough, at the end of every 30 months, which is incumbent on every official in the higher service. Even though the Government of Kenya has been almost bankrupt, the executive have never suggested that the interval between two furloughs should be lengthened in order to save expense. From a variety of causes, it has already been found in the main impracticable to bring up young children in the Kenya Highlands without sending them home to England for their education and for their full physical development. Even though a few instances of children who appear to be healthy and vigorous may be shown, these appear to be only exceptions which prove the rule. A significant feature of the last census was comparative decline in the South African immigrant population. It would appear that the climate had told upon them also.

We venture to assert from our own experience, that the ex-soldier settlement scheme, so profusely advertised and 'boomed', has resulted in comparative failure. This has been owing in a great measure, we believe, to the influence of climate upon the health of the new settlers, which has led in its turn to financial embarrassment. We believe, it is true, that a very great deal of the nervous irritation and excitement, which has been displayed by the European and the Indian alike in the present political conflict, is due to climate. At the same time we consider we are right in holding, that the climate is not so trying to the Indians—who have been used to the tropical sun for generations—as this to the British people, who have been accustomed for centuries to a cold northern atmosphere, in which the sun is often obscured for days and weeks together. We have some confidence that nature herself, in the long run, will solve the whole problem according to her own inevitable and immutable laws.

I wish to add to Part III of the Memorandum the following notes, which may illustrate the Indian position taken up :—

(i) A letter to the 'Observer,' May 20, 1923, from a Correspondent :—

"Those who are familiar with recent events recognise that the Kenya issue is not merely the future of Kenya, but the fundamental principle of the British Empire. It is not perhaps generally realised that two conflicting theories of Empire have for some time past been almost imperceptibly developing. On the one hand, there is the old Victorian conception that the Empire exists for the common good of all its subjects, of whatever colour or race, and more especially for the uplifting of backward peoples. It is the conception which more recently has been embodied in the mandate of the League of Nations. It is the conception which has admitted the right of India to equal partnership in the British Commonwealth of Nations.

On the other hand, there are those who would consolidate the white peoples of the Empire as a ruling caste, who regard colonies and dependencies as the '*provincia populi Anglici*.' At the Imperial Conference of 1921, the issue was raised in concrete and critical form by the representatives of India. India admitted the right of each Dominion to control the constitution of its population by restrictions on immigration; but moved that the solidarity of the Empire required that Indians lawfully domiciled in other parts of the Empire should be admitted to full rights of citizenship. The broader and more liberal conception of Empire then prevailed, with one significant dis-

sentient; South Africa. It is the practical application of this resolution which has now led to the Kenya crisis."

(ii) From the leading article in the London 'Nation,' May 27, 1923:—

"The real Kenya question is, as the above facts show an extremely important one. It will probably mark a turning point in the history of British rule in Africa. If the settlers' demands are granted, it will mean that the disastrous precedents of Natal and Rhodesia are to be extended to all British Africa, and that territories and their inhabitants are to be handed over to the absolute rule of tiny white oligarchies in the name of democracy and "responsible Government". On the other hand, if the Imperial Government takes the right line and maintains it firmly, it will establish the principle that in all African territories under the Colonial Office the interests of the African inhabitants are the primary concern of the Government, that the doctrines of "responsible government" are for the time being inapplicable, and that immigrants, whether Asiatic or European will be treated on a basis of complete equality, with protection for their economic interests in so far as they do not conflict with those of the native populations."

(iii) I had the fullest possible evidence, when I was over in Kenya, on both my visits to that country, which showed how it was becoming more and more recognised, that the Kenya Highlands were not suitable for the rearing of European children, not even for those from Southern Europe. One statistic was given me by a leading medical officer, that 85 per cent. of the European children under 12 years of age who had been born in Nairobi had dilated hearts.

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## THE KENYA MEMORANDUM,

### IV.

In the last section of the Memorandum, the definite Indian conclusions are reached, and the Indian position is tabulated in the briefest possible manner. It is made clear, from what is written, that the delegates representing the Indian community are perfectly prepared to welcome any decision of the Colonial Office to keep all legislative powers out of the hands of the settlers, whether they be European, Indian, or Arab, and administer the Colony directly, under what is



called 'Crown Colony Government.' In this case, any question of franchise and a common electoral roll would naturally fall into the background for the time being. For the Crown Colony Government, there is no responsible Legislative Assembly. The Governor himself makes his own decisions, after seeking the advice of the different communities. How exactly that advice is sought is a small matter, compared with the immense importance of the whole franchise question, when legislative powers are granted to the Council and the Governor himself has to bow to the will of the Council.

It will be seen that the request is made by the Kenya Indian delegates not only that no new restrictions should be imposed on Indian immigration, but that immigration from India should be encouraged for the due and rapid development of the country. It must be remembered that the Governor agreed to the vote of the Legislative Council to put aside £10,000 of public money (which included a considerable proportion of Indian money) for encouraging British immigration. The Kenya Indian delegates claimed that Indian immigration required encouragement also. The fourth section of the Memorandum runs as follows:—

*Memorandum—Part IV.*

We regard it as necessary to contradict at length the calumnies which have been brought against us with regard to the influence of our Community upon the African natives. We are able to bring forward irrefutable testimony, which shows that the presence of Indians in the country has been beneficial on the whole. At the same time, we do not wish to conceal the fact, that Indians have come over to Kenya in order to better their prospects in the same way as the Europeans have done. What is happening to-day is clear. The Indian settler is very rapidly teaching the African native to perform those works which form the elements of civilisation. As soon as the native has learnt the lesson, he is able to do the work at a much cheaper rate than the Indian. The latter has to undertake other work, or else retire. As the country is very large, and the number of Indians and Europeans is very small, it appears to be almost certain that the Indian is not standing in the African's way, but is rather helping both the African and the European alike to develop the country.

We think it safest and best, in the present circumstances, that neither the Indian nor the European settler should have the control

of native affairs and the legislative power should be kept out of their hands and left in the hands of the Imperial Government, till a time in the future when the African native is sufficiently advanced in intelligence and education to manage his own affairs and rule over his own country. This is our present judgment, and we are prepared to abide by it. But if it be found impossible to withdraw from the European settler any of the power that has been given him, even though he has already greatly abused it by passing anti-native and anti-Indian legislation and by threatening open violence, then we would submit that the only right way forward is in accordance with the principle laid down by Cecil Rhodes, namely, "the franchise for every civilised man." This would include the Arab and Somali and the native (when he has reached a certain stage), side by side on the same voting register with the European and the Indian.

We hold that this system of a common electoral roll is far superior to any election on communal and racial lines. The latter system appears to us to be contrary to the true genius of the British Commonwealth of Nations, and to be rather a perpetuation of racialism than an elimination of it. We object to segregation in any form, whether in residential areas, or in uplands, or in electoral rolls, or through restriction of immigration. In conclusion we respectfully pray:—

- (1) That the same rights of franchise be granted to Indians as are now enjoyed by the Europeans.
- (2) That the Government's power to veto transfers of land from members of one race to those of another may be abolished.
- (3) That the present policy of non-segregation of races may be continued.
- (4) That not only no new restriction should be imposed on Indian immigration but that immigration from India should be encouraged, for the due and rapid development of the country.
- (5) That in the Government officers and on the railway and in technical Government posts, the colour bar shall no longer stand in the way of merited promotion.

Nat...

In conclusion, we pray, that His Majesty's GovernmentEuropean carry out the resolution passed at the Imperial Conference

1921, and assign to British Indian subjects a status, not inferior to that of any other of His Majesty's subjects, and will repeal at the same time all racial legislation, which has been enacted in the past, to the detriment of Indian interests.

I wish to add the following notes which help to explain the position taken up in the concluding statements of the Memorandum Note

(i) A letter to the 'Times,' London, on behalf of the Deputations:—

"The Kenya Indian deputation has requested me to reply on their behalf to the Bishop of Uganda and explain certain facts of which he was not aware when he wrote. I have seen the Bishop, who is an old college friend, and explained these things to him in person, and I would now wish through your courtesy to place them before the public.

Indians in Kenya have again and again authoritatively declared that they have no desire whatever to take any part in the direct administration of native affairs, and they are not asking for the vote with that object in view. They would wish to leave the control of native affairs entirely in the hands of the Colonial officials. They do not regard either themselves or the European settlers as the fit persons to deal with them directly. In the allocation of posts for the higher Colonial Civil Service, Indians have not in the past been appointed to Africa. The Kenya Indian Deputation, speaking on behalf of their community, have no wish to disturb that arrangement and are ready to give a guarantee in writing to that effect.

They fully recognise, also, that in the Legislative Council, for which they seek the franchise, native affairs are frequently discussed. But there, the official majority, representing the Colonial Government, has the duty and responsibility of out-voting any legislation adversely affecting the native. The members of the Kenya Indian deputation have no wish to alter or interfere with this strictly constitutional procedure. They regard it as vital that this official majority should continue to owners of the country, for whom it is now being held in trust. They do not believe in either a European or an Indian "settler domination." Further still, if, at the present moment, any means could be devised whereby native affairs could be placed more directly un-

der the control of the trained Government officials, they would welcome and support it. They would equally welcome any legal restriction of exploitation of the native which was reasonable and just.

(ii) Some facts concerning the exploitation which is going on in Kenya Colony:—

#### *Native Taxes.*

Native Hut and Poll Tax was £0-16-0, per head.

It has been reduced, a few months ago, to £0-12-0.

#### *Native Wages.*

Natives used to take 2 months to earn £0-16-0, and to save that amount they would require 4 months. The rate of wages given by European settlers has been raised recently to a penny an hour.

#### *Revenue and Expenditure:*

The Revenue from direct Native Taxation was	£	600,000
It is now	£	501,000
The revenue from indirect native taxation is now	£	218,900
The present total native taxation is	£	720,515
The revenue is	£	1,750,000
For Education of the Natives the Government		
spent last year	£	21,321
On native medical relief	£	8,074
The total education and medical expenditure is	£	29,395

These are the largest amounts ever spent directly on the natives.

#### *Registration of Natives:*

This measure is provided for by the Government, the chief use of which is made by the European settlers in tracing out the "deserter." It is vigorously resented by the Natives. It continues to be a system intended for the continuous supply of labour for the European settler.

The European settler does not pay for this cost of the Native registration. Although this system is for the benefit of the European settlers, its entire cost is borne by the Native Taxation.

*Forced Labour Laws:*

There exists a "Masters' and Servants' Ordinance," commonly called the Forced Labour Law, under which, on a requisition to a district officer, the latter would indiscriminately compile the required number of men to go and work for the European settler. This Ordinance has been modified to supply labour for public needs only, and its application to individual enterprise has been suspended during these last two years.

Though the Colonial Office has asked the Legislature at Nairobi to modify this application of the Ordinance, even in regard to the public needs, the Legislature at Nairobi has paid no attention to it as yet.

*Population:*

The native population was estimated at 3,000,000 in 1911. It is now estimated at 2,483,000 representing a decline of 21 per cent.

1911.      1921.

The British Indians including those from			
native states	..	..	11,816    22,731
British European	..	..	2,736    9,025

The number of adult male European settlers or farmers was 1,805.

**MR. SASTRI ON KENYA.**

The Literary Union of Bangalore held a largely attended public meeting to bid farewell to the Right Hon. V. S. Srinivasa Sastri on 24th December, 1923.

After some remarks of personal character Mr. Sastri said, "Having failed and not as some of you said succeeded in the mission entrusted to me I feel like a person who has fallen from high estate. You gave me a great commission. I went forth knowing that it was difficult knowing too that many another stronger and braver fighter for India's cause gladly avoided it. I knew that I should fail. But I undertook the task because I knew that my failure would not matter that perhaps through my failure somebody after me would be enabled to build up success that you and your children of the future might really cherish as one of India's achievements within the Empire.

Don't expect me to go fully into the recent history of this Kenya affair. But you will forgive me if I make a few observations which I cannot keep back in this my first public speech after an enforced but temporary retirement. Well, Kenya lost everything is lost. You have been reminded of that expression of mine more than once this evening. I really feel that in this case of Kenya a good deal is bound up of vital importance to the whole future history of this country. It is difficult for me to speak with moderation upon a subject touching so deeply not merely our interests but our pride as Indian citizens. I will however forbear to use language that might seem to abuse the hospitality of an Indian State, but some observations I must make on this occasion.

Some one said that the history of this Kenya betrayal might be read in a public document. Believe me friends, if you wish to know the real inwardness of this affair do not pay any attention to that falacious document which they call The White Paper. It does not contain true history at all. The actual facts at the bottom of the case will not be found in respectable newspapers of Great Britain; they will not be found, no, not an allusion to them in the vast flood of oratory that marked the proceedings of the last Imperial Conference. No reference has been made in these solemn papers to the fact that the British Cabinet gave this decision because the white people in Kenya threatened rebellion. I do not say that the British Cabinet got intimidated. I do not say that the custodians of the Empire shrank from the trial of strength with such a petty little place as Mombassa or Nairobi. That is not my meaning, but those who are responsible for the conduct of the Empire to-day shrank from the struggle with their own countrymen, from the struggle where they knew that if they ventured to put forward a regiment the regiment would refuse to act. That was the secret of the whole thing.

The White Paper discusses the question on its merits, on its previous history. No reference however is to be made to this subject. When I caring only for truth and for India's honour mentioned it for the first time in a public audience they all seemed aghast. They seemed to think that I was giving utterance to something which ought to be hidden from public gaze. They were evidently not proud of the transaction. They certainly were very angry with me. Friends and critics, newspaper oracles, members of Parliament, those who were glad at any time to welcome me in the street and shake hands

with me as a fellow citizen, all thought that I had been guilty of the sin of a most grievous description, much like the sensitive daughter-in-law in a family who having received a beating from her husband smarted under it, no doubt, but smarted far more because the brother-in-law and sister-in-law had been looking on. The British Cabinet and the public of London were not so ashamed of their having yielded to fear and inflicted grievous wrong on India. They were far more angry because I had taken the world into my confidence.

And now what are our defenders doing? The Government of India, all honour to them, stood by us to the very end of the discussions. Perfectly they gave us every moral support they could. But when the time for talk had gone and the time for something substantial had come, when we had to tell the British Cabinet that if one side threatened rebellion we should at least threaten a little trouble, when the time had come to say that, our Government necessarily shrank back. You could not expect the agents of British Cabinet to take up that attitude. Then let me tell you for the first time more vividly than ever, for the first time more stirring than ever. I felt that if we were to win our way in the world we ought to have a different Government altogether. What is the state of things to-day?

Now that the matter is gone let us not weep over it because all is not lost. There is the Immigration Bill coming on. We will discuss it threadbare, attack all its provisions from A to Z. We will see what Kenya people will do and what the British Cabinet will do. We are going certainly to have thick books filled with discussion about Clause A and exception B and explanation C. But I assure you it is the case of the young boy who was told to hold a runaway bull but was foolish enough to let the nose rope go and then hung on for all he was worth by its tail. You know what will happen to that innocent young adventurer. Well the people of India and the Government of India are in no better case. When the British Cabinet allowed the Kenya Government to control our immigration on one pretext or another the case was gone. The horse had been stolen, you might shut the door, bang hundred times after, but you could not recover it by any discussion, however meticulous, however ably conducted, of the provisions of the Immigration Bill. I do not say that nobody should care about it. I do not say that the Indian Chamber of Commerce in Bombay for instance must not busy itself with the necessary representations to the authorities of Kenya. Let them by all means do so.

Proceeding to comment on the Trusteeship arguments Mr. Sastri said :—

When they said that it was necessary to administer Kenya in the interests of the African native and that for that purpose it might be necessary to control immigration as a theoretical proposition we had no alternative but to agree and we might willingly and gladly agree as a people long accustomed to the galling chains of subjection and anxious therefore to help anybody, even Kenya natives, to get back their rights from white aggressors. We could well agree to that and we did. But the point was this, that the unhappy African native had his only friends amongst Indians, that the white settler there is a land grabber, that he is a political tormentor whose one business is to oppress, to keep down, to make selfish laws, to exact labour from poor people there, to use their energies for his own benefit; in other words to use the language of one of their accredited spokesman "having stolen the lands of the native, the next thing was to steal his limbs." If immigration was to be controlled, the immigration of the white men was to be controlled and not that of the Indian. That is an attitude that we ought to have taken and that is an attitude that we should yet take in the matter. I impressed it several times in London. I had nothing to conceal and I will say that again.

But there comes the trouble. Do you expect Lord Reading to say so for you? Do you expect Lord Reading and his Government to say, that if immigration has to be controlled, it has to be in the case of Whites and not of Indians? Everyone of them might feel so and I believe in my heart of hearts that everyone does believe it, but nobody dares to say it, and yet if we are to win in this case that is the thing, however unpleasant, to be said. There again comes a handicap of our having a Government which can only go a short way in championing our rights, which cannot speak the full truth, which cannot speak as you and I would, which cannot tell the British Cabinet "be impartial, be just, if you dare and tell your own people not to do wrong." There is another point that is being forced upon my attention. However unwilling I was to recognise it in such vivid colours in the past, I can no longer conceal from myself that without a Government that we could make and unmake as free peoples we are bound to lose in the struggle in the future. It is to that great object that all our energies have now to be bent. All talk of moderate and immoderate, of extreme and mean, in Indian

Present Governments  
Incapacity.



politics has now no meaning for me. All must unite round this banner of Dominion Status and that promptly.

What do we hear from the representative of British power in India to-day? I do not envy Lord Reading his task. I certainly do not believe that fate has been exclusively kind to him in calling upon him, liberal as he is in politics, to go about the country on the eve of a general election and tell people "your struggles for immediate constitutional advance will meet with non-possumus. Elect therefore people who will be content to go on the present footing." Well, he might say so, but the country has decided otherwise—weak and dis-united almost like a baby in her politics, India has it seems to me still spoken out boldly. I mean through general elections. India has not heeded the warning which, bidden or spontaneously, Lord Reading thought it fit continually to administer to our people.

Now what do the great people who have to guide us in all these matters say? I mean the great representatives of the Anglo-Indian Press, the great representatives of the British Press or those, who occupying high and responsible posts in Indian Civil Service, continually admonish the Indian patriot on his duty, tell young and old alike without any bias or partiality that if we place the whole of the Indian Finance at their disposal and perhaps abolish the posts of the Accountant-General and Auditor-General, everything could go well with India. They tell us "What are you doing. You people of Modern India are not like your forefathers at all. Your forefathers talked of life everlasting, of the eternal round of Samsara, of the vanity of all worldly effort. Why hurry, there is all eternity before you. Did they not speak of life after death? You live for ever. Why want equality at once? Wait." Applying this argument to the immediate problem of Kenya the great friends of ours in whose good intentions I still have faith of a sort, mind you, told me "really you are unreasonable. It is true that there is not perfect equality between your people and mine in Kenya. Those fellows have got 11 seats on the Legislative Council and given you five. Well. I admit this is an inadequate number, Certainly it ought to be increased and I am perfectly willing when the time comes to give my vote for six." Who knows ten years hence or twenty years hence another enterprising man may come forward and tell us we will give you 8 and twenty years after that a still more beneficent minded statesman may be willing to go ahead and venture to vote for nine so

that in about two or three centuries we shall reach the figure eleven. Now that man was first sincere. He thought it was good enough progress for the Indian. An Anglo-Indian civilian here told me "if you want increased Indianisation you are now, say, about 11 per cent. in the services, you get it raised to 12 or 13 if you please and be done with it. Don't disturb us for another generation." Well that is the way they have begun to talk to us. They do not deny the justice of our case. Only they are somewhat disquieted when we wish to rush along at this furious rate, threatening the peace of India and the safety of the Empire and are willing to agree to "more wholesome better ordered rate of progress."

Now I come to the most pathetic part of the whole thing. There are some amongst us who believe that for one reason or another "we must bide our time and obtain our due. It may be more slowly than we wish. If finally we are sure that we shall get the thing let us be content to march at even a slower rate than heretofore." Let me tell you frankly that I am one of those who sympathise with this line of argument. I also have always spoken for peaceful and constitutional progress and I believe examining my heart so minutely as I myself can, I am still on the side of peaceful and constitutional progress. I am quite willing that we should move slowly provided that we are sure that our forces were set in the right direction and that day by day, year by year, we left things behind that were in the front and got along to positions which seemed too far off, provided that we were sure we were moving and moving ahead. But 'are we sure' is the whole question? I thought we were. I do not think so any more, and therein lies my apprehension for the future. The Englishman having once been generous is now afraid of his own generosity. He thinks he has given too much and there is a disposition in England which I am thankful is not universal, but is undesirably prominent amongst Diehards and Tories who now wield the destinies of the Empire. There is a disposition on their part now to think that if they cannot actually take back, it is best to keep things stationary. You may plead justice, equality and the necessity of fidelity to promises and pledges and engagements. That does not touch the hardened Briton when he is bent on safeguarding his vested interests. I have seen it. Justice and Equality, very well, fine things these. All homage is due to them and the Englishman is ready with his homage as well, but if a conflict with his interests arises if without open barefaced denial he could keep off the evil day,

he will by every means in his power. That may be human nature and some of you may say we are no better perhaps. We are not anyhow, we have not been keeping an Empire, we do not wish to preserve the rights stolen from other people. We do not wish to aggress and therefore let us speak with our limited experience and not test ourselves in any imaginary scale. The trial has not come to us and we will therefore tell the people who boast so much about their "principles of justice and human brotherhood"; keep your engagements like honest folk, fulfill your promises like just kings, that take their power from on High and must use their power so as to be approved from on High. That we have continually to tell them now.

Lord Reading, to whom we have to look for guidance, from whom words that come are certainly entitled to our respectful attention, counsels us in our future struggle to put faith in the sense of justice and righteousness of the British Nation. Well, allow me to speak with a little freedom on this part of the subject. "The sense of justice of the British Nation" is an expression with which I am fairly familiar. I have used it on countless occasions. I know its full meaning, but I know also its limitations also. There is sense of justice I will admit and admit to the full but that sense of justice is not easily mobilised every day. You have got to stir up and nothing stirs it up as the prospect of excitement and turmoil and trouble as a prospect of something being in danger, of some vested interests being squashed in the struggle. Nothing stimulates a somewhat inactive sense of justice as the manifestation of your political strength.

Let us read the history of England. You remember some time ago in the old days of Ilbert Bill controversy when nothing more serious was at stake than the continued enjoyment of the invidious privilege, the Europeans of Calcutta and the neighbourhood on the occasion of this threatened loss of the privilege, banded themselves together and went so far as to arrange for the deportation of Lord Ripon. He was to have been summarily seized and put on board a boat that had come up the Hooghly. Remember however, no injury was to be done to him. Only he was to be deposed from his august position and taken away to be safely deposited somewhere on the more hospitable shores of Great Britain. That is how they teach us how to preserve the rights.

You have all read English history more or less. . . . and how did these people in Kenya behave when their rights were threatened. No, not their right,

**Manifest  
Strength.**

Your

**Delemere's Tactics.**

let me say their unjust privileges. They did the same thing. They gave notice to their Governor that if he was going to give anything like equal treatment to Indians or carry out laws to that effect framed by the British Cabinet he also would be treated in the same gentle way in which the Viceroy of India was to have been treated on the Ilbert Bill occasion. They had everything ready for seizure, not only of the Governor, but of senior officials. Their places of detention were actually fixed. That is the way in the British Empire their own people, when they want things done, go about the business.

One of you' (heroically inclined) may say, if I should do such thing to-morrow what will be my fate? I cannot promise him the treatment that they gave for instance to Lord Delamare in London. Lord Delamare was received everywhere. His words were listened to as if they were gospel truths. He had a seat in the House of Lords. Duke of Devonshire was smilingly sweet on him; so was the Colonial Office from top to bottom. There was nothing that Lord Delamare could not do and yet it was Lord Delamare who as Executive Councilor in Kenya, had taken the oath of allegiance to his Majesty, had promised to administer laws and to do nothing to disturb the peace of the public and so forth and the man whose duty it was to preserve the public peace that had presided at countless meetings where the White people threatened to rebel. He had himself presided and assisted at these peaceful proceedings. He was the man who, if ordinary law had prevailed should have been treated in a manner in which some thousands and thousands of our people are being treated to-day.

I cannot promise you a treatment of that kind from the Government of Lord Reading, but you know where  
 "If only Skin were White."                      you are exactly. You could do things if only your skin were white which you cannot think of doing being what you are. But within your limitations, within the law, within the limits recognised as allowable to those who are struggling to regain lost liberties, who are struggling to obtain slow fulfilment of pledges of long standing and of solemn import there is plenty which we non-officials may do if it was the right sort of Government. There is plenty for us to be doing night and day and it will be my proud privilege when I have left your kind and hospitable neighbourhood to take my humble place amongst those who fought these peaceful and constitutional battles.

May be I have done wrong to pour into the contented and placid ears of citizens of the model State of India mournings and wailings of my auguished spirit, but I think that question of Indians overseas affects Native States as well as British India. Moreover I look forward to a time not far distant when the distinction between British India and Indian India will be one of form and not of substance. I look forward to a time not far distant when you will consider yourselves in daily life and not merely in theory, as citizens of a large, beautiful and lovable India and not merely as citizens of Mysore. If to me and to those of my age that India is but a vision there are about me young people who will raise glad and joyful eyes on that dream as the realised spectacle of daily life and I believe you will forgive me if for a moment I have asked you, in anticipation of some years yet, to share with me some of the troubled thoughts with which the British Indian citizen is now oppressed. I hope you will allow that I have not wasted your time as I believe honestly that I have bestowed one of my afternoons well when at the close of three months' stay amidst such generous surroundings I take leave of all who have helped to make my stay happy. I do so not leaving behind in their hearts a feeling that I have gone away as a sphinx having come as a sphinx but having told the trouble of my heart and some little plans that I may have formed for the future, having in that way tried to repay some of the hospitality and tenderness and personal attachment that citizens of Bangalore have always been extending to me during my stay.

## KENYA IMMIGRATION BILL.

### A BILL ENTITLED AN ORDINANCE TO CONSOLIDATE AND REGULATE IMMIGRATION AND EMPLOYMENT.

*Preamble.*—WHEREAS it is desirable to provide for the peace, good order and development of the Colony and for the purposes of reducing and preventing unemployment.

*And whereas it is the duty of the Government to safeguard the interests of the African natives of the Colony and to assure their progress and the continued improvement of their material welfare.*

*And whereas it is desired fully to implement the policy declared in the Memorandum presented by His Majesty's Government to Par-*

*liament relating to Indians in Kenya and dated the 23rd day of July in the Year of Our Lord, 1923.*

*Be it therefore enacted by the Governor of the Colony of Kenya with the advice and consent of the Legislative Council thereof:—*

1. *Short title.*—*This Ordinance may be cited as “The Immigrants Regulation and Employment Ordinance, 1923.”*

2. *Interpretation of terms.*—*In this Ordinance the following terms shall have the respective meanings hereby assigned to them, unless the context otherwise requires:—*

*“Colony” shall mean the Colony and Protectorate of Kenya.*

*“Immigration and Employment Officer” shall mean a Principal or an Assistant Immigration and Employment Officer appointed for the purposes of this Ordinance.*

*“Principal Immigration and Employment Officer” shall mean the officer appointed for the administration and execution of this Ordinance.*

3. *Exempted persons.*—*This Ordinance shall not apply to:—*

(a) *The Officers and crews of His Majesty’s Navy or of the fleet or of any friendly power.*

(b) *Any member of His Majesty’s Military Forces.*

(c) *Any person duly accredited to the Colony by or under the authority of the Imperial or any other Government.*

(d) *Any person, the subject of a Foreign Power having treaty rights within the dominions of the Sultan of Zanzibar, who is not a prohibited immigrant under Section 5 of this Ordinance and who is possessed of a guarantee in the form set out in Schedule A of this Ordinance signed by the Local Consular representative of such power.*

(e) *The wife, and any child appearing to an Immigration and Employment Officer to be under the age of sixteen, of a person not being a prohibited immigrant, provided they are not themselves prohibited immigrants under sub-clauses (b), (c), (d), (e), (f) or (g) of sub-section (1) of Section 5 of this Ordinance, and provided further that any idiot or insane person or any person who is otherwise physically afflicted may, in case he or any person accompanying him or some other person give security to the satisfaction of the Immigra-*

*tion and Employment Officer for his permanent support in the Colony or for his removal therefrom whenever required by the Governor-in-Council, be permitted to enter the Colony.*

(f) Any person who shall satisfy an Immigration and Employment Officer that he has been formerly domiciled in the Colony or has been resident therein for a total period of not less than five years and that he does not come within the meaning of sub-clauses (b) (c) (d), (e), (f) or (g) of sub-section (1) of Section 5 of this Ordinance.

(g) *Any native of the Uganda Protectorate or of the Tanganyika Territory, and who is not a prohibited immigrant within the meaning of sub-clauses (b), (c), (d), (e), (f) or (g) of sub-section (1) of Section 5 of this Ordinance.*

4. *Examination of immigrants.*—Any person desiring to enter the Colony shall, before being allowed to do so, appear before an Immigration and Employment Officer who shall, after such examination as he may consider necessary, inform such person and the master of the vessel, if any, which has conveyed him to the Colony, whether he is a prohibited immigrant or not. Provided that if such person withholds or conceals from such officer any fact or information which renders him a prohibited immigrant defined in Section 5 of this Ordinance he shall be deemed to have contravened this Ordinance. *Provided further that when a person enters the Colony from adjoining territory or from Arabia, the Resident or District Commissioner or the Officer discharging the duties of a Resident or District Commissioner at the place of entry, shall have all the powers vested in an Immigration and Employment Officer under this Ordinance.*

When an immigrant is permitted to enter the Colony he shall be given a certificate by the Immigration and Employment Officer.

5. *Prohibited immigrants.*—(1) The immigration into the Colony by land or sea is prohibited of any person, hereinafter called a “prohibited immigrant,” being or appearing to be of any of the classes defined in any of the following cases:—

(a) Any person without visible means of support or any person who is likely to become a pauper or a public charge.

(b) Any idiot or insane person.

(c) Any person suffering from a loathsome or a dangerous contagious disease or from trachoma.

(d) Any person who, not having a free pardon, has been convicted in any country other than the Colony of murder or any offence for which a sentence of imprisonment has been passed for any term, and who by reason of the circumstances connected therewith is deemed to be an undesirable immigrant; but this provision shall apply to offences of a political character not involving moral turpitude.

(e) Any prostitute, and any person living or receiving or who may have lived on or received any part of the proceeds of the prostitution of others.

(f) Any person deemed by an Immigration and Employment Officer to be an undesirable immigrant in consequence of the information or advice received from any Secretary of State or Colonial Minister, or through *official* or diplomatic channels or any Minister of a Foreign Country, or from any other trusted source.

(g) Any person who has been ordered to leave the Colony.

(2) *Any person aggrieved at the decision of an Immigration and Employment Officer to classify him as a prohibited immigrant under sub-section (1) of this Section may appeal from such decision to the Governor-in-Council, provided that the determination of such appeal shall in no way limit or restrict the powers conferred by Sections 7, 18, and 19 of this Ordinance.*

6. *Establishments of Immigration and Employment Department.—There shall be established a Department of the Government to be known as “The Immigration and Employment Department.”*

7. *Persons convicted within five years to be deemed prohibited immigrants.—Any person convicted by any Court within a period of five years from the date of entering the Colony of murder or an offence involving moral turpitude for which the Court has power to impose imprisonment shall be liable to be dealt with as a prohibited immigrant and the Governor may, if he thinks fit, make an order requiring such person to leave the Colony within a time fixed by the order, and thereafter to remain out of the Colony.*

8. *Detention of immigrants.—Any intending immigrant who has not been granted permission to enter the Colony may be detained in such place and under such terms and conditions as the Governor-in-Council may by rule prescribe.*



9. *Establishment of Immigration and Employment Board.*—

(1) *There shall be established in Nairobi an Immigration and Employment Board which shall instruct the Immigration and Employment Officer with regard to the economic requirements of the Colony.*

(2) *Such Immigration and Employment Board shall be constituted of such persons as the Governor may appoint and shall include:*

(a) *The Chief Commissioner or other officer of the Native Affairs Department representing the interests of the African natives of the Colony.*

(b) *A European who shall be a Member of the Executive Council or of the Legislative Council.*

(c) *A representative of the Indian Community.*

10. *Department to collect information.*—*The Immigration and Employment Department shall collect and record all information and reports as to labour requirements of the Colony.*

11. *Employment certificate.*—*Any person in the Colony desiring to bring into the Colony a person to work as clerk, salesman, artisan or other employee from outside the Colony shall first satisfy the Immigration and Employment Officer that he cannot obtain in the Colony an employee suitable for the work and the Immigration and Employment Officer if so satisfied that the requirements as laid down by the Board will be met shall issue a certificate and the production of such certificate shall exempt the immigrant named therein from the operation of clause (a) of Section E (v) of this Ordinance.*

12. *Immigrant arriving without certificate.*—(1) *An immigrant who arrives in the Colony without a certificate as provided for in the last preceding Section and who is unable to satisfy the Immigration and Employment Officer that he is entitled to enter the Colony under Section 3 or that he is not a prohibited immigrant under Section 5 of this Ordinance shall not be allowed to enter the Colony unless he can satisfy the Immigration and Employment officer that he is a desirable immigrant or unless he can prove to the satisfaction of the Immigration and Employment Officer that he is assured of employment or that his services are necessary for the economic requirements of the Colony.*

(2) *If the immigrant alleges that he is assured of employment the allegation must be corroborated by the prospective employer, who, if he has already obtained a certificate prescribed by Section 11*

*must satisfy the Immigration and Employment Officer of the matters prescribed by that Section and take out a certificate as required by Section 11 and the immigrant shall not be allowed to enter the Colony in the absence of such corroboration and certificate.*

13. *Trading and farming immigrants.*—(1) *When an intending immigrant not otherwise entitled to enter the Colony informs the Immigration and Employment Officer that it is his intention to carry on any trade, business or occupation (other than the practice of a learned profession in which he is properly qualified, he shall give such information to the officer as he may require and the officer shall satisfy himself that the requirements laid down by the Board will be met and that there is an opening for such trade, business or occupation, and that it is in the interest of the African natives of the Colony that such trade, business or occupation should be undertaken by the intending immigrant and only on the officer being so satisfied shall such immigrant be allowed to enter the Colony.*

(2) *If the officer is satisfied that there is no such opening or that the exercise of such trade, business or occupation would be injurious to the interests of the natives of the Colony such intending immigrant shall be regarded as a prohibited immigrant.*

*Provided that if the intending immigrant under this Section proves to the satisfaction of the officer by the production of the partnership deed or agreement that he is a partner in any existing trade, business or occupation and if the officer is satisfied that the particular partnership, trade business or occupation is of good repute and if the intending immigrant is not otherwise a prohibited immigrant such immigrant may be allowed to enter the Colony.*

14. *Contracted employee may be treated as prohibited immigrant.*—*If any person who has entered the Colony to serve under a contract providing that the servant shall leave the Colony at its conclusion, fails to leave the Colony after quitting the said service, he may be treated as if he were a prohibited immigrant.*

15. *Penalty on employer.*—(1) *Any employer who has engaged servants under such a contract as is mentioned in the preceeding Section and who shall refuse or neglect to carry out the provisions of such contract in regard to the passage of such servants shall be deemed to have committed an offence and shall be punishable on*

conviction with a fine not exceeding £500 or imprisonment of either description for a term not exceeding twelve months or to both such fine and imprisonment.

(2) *Any persons inducing another to enter the Colony under a contract of employment, shall be liable to all the expenses of deportation of the employee should he be or become a prohibited immigrant notwithstanding anything to the contrary in the contract between the parties to the said contract.*

(3) *Any person inducing another to enter the Colony under a contract of employment, shall, before the arrival of the employee, furnish a true copy of the contract or of the correspondence forming the Contract to the Principal Immigration and Employment Officer.*

16. *Entry into Colony permitted under certain conditions.—Any person applying for admission into the Colony may, at the discretion of the Immigration and Employment Officer, be required to comply with the following provisions:—*

(a) *He shall before entering the Colony give security sufficient to indemnify the Government against the expenses likely to be incurred in sending him and his family (if any) back to the port from which he sailed and against the expenses likely to be incurred in detaining him or his family (if any) pending the determination of whether or not he may enter the Colony. Such security shall at the option of the intending immigrant be:—*

(i) *A cash deposit of a sum representing such expenses as aforesaid as may be determined by the Immigration and Employment Officer, or;*

(ii) *A bond which need not be under seal with such sureties as shall satisfy the Immigration and Employment Officer in such sum as may have been determined as aforesaid.*

(b) *He shall thereupon be permitted to enter the Colony, and shall if required by the Immigration and Employment Officer within one week thereafter satisfy such officer, by such proof as such officer may consider necessary in the circumstances of each particular case, that he is not a prohibited immigrant.*

(c) *If he shall not satisfy such officer as aforesaid he shall be deported as soon as possible thereafter and returned to his port of embarkation. The costs of such deportation shall be defrayed out of the*

*amount deposited by him or secured by bond as aforesaid. If a bond has been given the amount of the bond shall be forfeited to the Government and may be recovered by suit in the Court of a Magistrate of the First Class.*

*'Any balance of money remaining over after such costs of repatriation and detention have been defrayed shall be paid to the person who made the cash deposit, or in the cause of such costs being paid out of the proceeds of a forfeited bond the balance shall be paid into the Court in which the bond was forfeited and the Court shall distribute the said balance among the persons from whom the amount of the bond was recovered in proportion to the amount recovered from each of such persons.*

*(d) If he shall so satisfy such officer as aforesaid he shall be permitted to remain in the Colony.*

*(e) If he shall be so permitted to remain in the Colony as aforesaid such officer shall retain the amount deposited by him as aforesaid for a period not exceeding one year from the date of such deposit.*

*(f) Notwithstanding anything contained in sub-section (d) hereof he may be deported in the manner prescribed in sub-section (c) hereof, if within a period of three years from the date of his entering the Colony he shall be shown to be prohibited immigrant as aforesaid. Such deportation shall be ordered by a Magistrate empowered to hold a subordinate Court of the First Class.*

*In case of any person entering the Colony under this Section no liability shall attach to the owners of the vessel in which he may have arrived at any port of the Colony.*

**17. Power of police to prevent entry.**—Any Police Officer or Immigration and Employment Officer or, if the immigrant attempts to enter the Colony from any adjoining territory or from Arabia the District or Resident Commissioner within whose jurisdiction the place of entry is, shall subject to the provisions hereinafter contained prevent any prohibited immigrant from entering the Colony by land or

**18. Unlawful entry of prohibited immigrants.**—Any prohibited immigrant making his way into or being found with the Colony shall be deemed to have contravened this Ordinance. Any person convicted under this Section may be deported and shall in addition be liable to suffer imprisonment of either description for a period not

exceeding six months. Provided that such imprisonment shall cease if and when arrangements are made for the deportation of the offender from the Colony. *Provided further that if such immigrant does not prove to the satisfaction of the Magistrate that he entered the Colony with the permission of any Immigration and Employment Officer he shall be deported.*

19. *Prohibited immigrant not released by mere entry.*—(1) No person who comes within the definition of a prohibited immigrant shall be released from the operation of this Ordinance or allowed to be or remain in the Colony merely because he has not been notified not to land or because he may have been allowed to land through oversight or through want of knowledge that he was a prohibited.

(2) Proof adduced within three years *to the satisfaction of the Governor-in-Council* after any person has entered the Colony that he is one of any of the classes whose entry is prohibited shall be sufficient evidence that such person was a prohibited immigrant and such person shall be liable then to be dealt with as a prohibited immigrant.

20. *Summary arrest.*—If there shall be reasonable cause to suspect that any person has contravened this Ordinance, and if in order to prevent justice from being defeated it is necessary to arrest such person immediately, it shall be lawful for any Immigration and Employment Officer or Police Officer to arrest such person forthwith without having a warrant for that purpose, and he shall be required to bring such person before a Magistrate as soon as may be, or should the vessel from which such person has landed be on the point of departure, then, unless such person shall demand to be taken before a Magistrate, he may be handed over to the custody of the master of the vessel who shall be obliged to receive and keep him on board.

21. *Contract for return of prohibited immigrant.*—The Governor may authorise the Principal Immigration and Employment Officer to make a contract with the master, owners, or agent of any vessel for the conveyance of any prohibited immigrant found in the Colony to a port in or near to such immigrant's country of birth and any such immigrant with his personal effects may be placed by a Police Officer on board such vessel.

22. *Boarding vessels.*—Any Immigration and Employment Officer shall, for the purpose of this Ordinance, be empowered to board as often as may be necessary all vessels entering inward at

any port of the Colony in the performance of his duties under this Ordinance.

23. *List of passengers when required.*—(1) The master of a vessel arriving in any port of the Colony shall, upon being there-to requested by an Immigration and Employment Officer as such port, furnish to him a list in duplicate signed by himself of all passengers and other persons on board such vessel at the time of his arrival in the Colony not forming a portion of the regular crew of such vessel.

(2) *The owner or agent of a vessel leaving any port in the colony shall, upon being thereto requested by an Immigration and Employment Officer at such port, furnish to him a list in duplicate signed by himself of all passengers and other persons so leaving in and not forming a portion of the regular crew of such vessel.*

24. *Crew may be mustered before departure.*—The master of a vessel shall, if required thereto prior to his departure from port, produce his Articles and muster his crew, and if it be found that any person named in the Articles, who in the opinion of an Immigration and Employment Officer would be a prohibited immigrant, is not then present, such person shall be deemed to have entered the Colony contrary to this Ordinance, but the master and agents of such vessel, provided they have made proper provision to prevent desertion shall not be responsible for any contravention of the provisions of this Section.

25. *Punishment by Magistrate of a member of crew. Order for return in custody to ship.*—Should the master of a vessel charge any member of his crew or stowaway or extra hand before a Court with a crime or offence committed at some time prior to the arrival of or during the stay of such vessel in port the Magistrate may, at the request of an Immigration and Employment Officer and on representation by such Officer that the accused is a prohibited immigrant, in awarding punishment, order that, on expiry of the sentence or on the sooner readiness of such vessel to proceed to sea, the prisoner be taken from gaol and conducted in custody aboard such vessel for conveyance away from the Colony. Any person contemplated by this Section brought before a Magistrate and discharged shall be ordered by the Magistrate to be immediately conveyed back to such vessel. An order shall not be made under this Section in any case in which the Magistrate deems the crime or offence proper for trial in His Majesty's Supreme Court of Kenya.

**26. Regulation for intercourse between shore and vessel.**—Whenever it shall be deemed necessary for the effective carrying out of this Ordinance to regulate intercourse from the shore with any vessel in a port having on board any prohibited immigrant, the Principal Immigration and Employment Officer may take such steps, with the approval of the Governor as may appear proper in that behalf.

**27. Liability of master and owner.**—The master and owner of any vessel from which any prohibited immigrant may be landed or may land shall be liable jointly and severally to a penalty not exceeding £150 and not less than \*£50 in respect of each such prohibited immigrant landed or who may land and such vessel may be refused a clearance outwards until any penalty incurred has been paid and until provision has been made by the master to the satisfaction of the Principal Immigration and Employment Officer for the conveyance out of the Colony of each prohibited immigrant who may have been so landed, and such vessel may be made attachable by a decree of His Majesty's Supreme Court of Kenya in satisfaction of any penalty imposed under this Section.

The word "clearance" as used in this Ordinance includes all the documents ordinarily issued by the Commissioner of Customs to a vessel about to leave port, including the document known as the Bill of Health.

**28. Visiting and Embarkation passes.**—Any person being a prohibited immigrant within the meaning of this Ordinance may apply to an Immigration and Employment Officer for a pass to enter the Colony for a temporary visit, or for the purpose of embarking at a port in the Colony for some other country. Such passes shall be known as "visiting passes" and "embarkation passes" respectively and shall be in the form prescribed by the Rules made under this Ordinance.

**29. Enquiry and deposit before granting passes.**—The applicant shall attend before an Immigration and Employment Officer and shall answer all such questions as such Officer, may put for the purpose of deciding whether a pass ought to be granted, and shall deposit with such officer:—

\*N. B.—Increase from £37-10-0.

† Increase from £7-10-0.

(a) For a visiting pass the sum of £15, with an additional sum of £15 where the pass includes the wife and children of the applicant.

(b) For an embarkation pass the sum of £15 for each adult and £10 for each child.

The word "child" as used in this and the succeeding Sections, means a person appearing to such Officer to be under the age of sixteen years.

30. *Separate passes for adults other than husband and wife.*—Except in the case of a person accompanied by his wife and children a separate pass shall be required for each person seeking to enter the Colony for the purpose of a visit or for embarking.

31. *Passes not granted as of right.*—No person shall be entitled as of right to obtain a visiting pass or any embarkation pass, and an Immigration and Employment Officer appointed to issue such passes shall have the discretion to grant or refuse any such pass, subject, however, to any direction which may be given him by the Principal Immigration and Employment Officer or by the Governor.

32. *Period of pass and extension.*—A visiting pass shall be sufficient authority for the person or persons named therein to enter the Colony and to remain there during the period stated in such pass. Such period ordinarily shall not exceed twenty-one days, but any Immigration and Employment Officer appointed under the Ordinance may, for sufficient reason appearing, extend the period from time to time by an endorsement on such pass. No extension shall be made for more than fourteen days at a time, and no such pass shall be extended beyond six weeks from the date thereof except with the consent of the Governor.

33. *Return of deposit for a visiting pass.*—The money deposited for a visiting pass shall be returned to the depositor upon the pass-holder quitting the Colony within the time named in such pass or any extension thereof.

34. *Effect of embarkation pass.*—An embarkation pass shall be sufficient authority for the person or persons named therein to enter the Colony and to proceed with all reasonable speed to the port specified therein for the purpose of embarkation by the first available opportunity for the destination stated in such pass.



35. *Extension.*—An embarkation pass shall not be extended save by the Principal Immigration and Employment Officer for sufficient cause to him appearing.

36. *Disposal of deposit for embarkation pass.*—The money deposited for an embarkation pass shall be at once applied on the application of the person to whom it was granted and so far as the sum shall suffice for the purpose of obtaining a passage for the person or persons named in such pass to the specified place or destination. Any balance of the money deposited shall be returned to the depositor upon his embarkation or may in the discretion of the Immigration and Employment Officer be extended in any other necessary or proper manner as desired by the depositor.

37. *Penalty for outstaying time allowed by the pass. Other offences.*—Any person being a prohibited immigrant within the meaning of this Ordinance who shall enter the Colony in pursuance of a visiting pass or an embarkation pass, and who shall remain in the Colony beyond the time allowed by such pass or by a lawful endorsement thereon, or who may misuse such pass, or allow any fraudulent use to be made of it, shall be deemed to have contravened this Ordinance and shall upon conviction suffer forfeiture of the amount deposited by him and may be sentenced to suffer imprisonment of either description for a period not exceeding six months. Provided that such imprisonment shall cease if and when arrangements are made for the deportation of such person from the Colony.

38. *Definition of "adult".*—Any person appearing to an Immigration and Employment Officer under this Ordinance to be over the age of sixteen years shall be regarded as an adult for the purpose of this Ordinance.

39. *Falsely obtaining documents.*—Any person who shall by false declaration obtain either for himself or for another person, either or both of whom, being not entitled thereto, any certificate or document intended to secure the entry into the Colony of any person in breach of the provisions of this Ordinance and any person who may fraudulently use any such certificate or other document, shall be guilty of a contravention of this Ordinance.

40. *Contraventions.*—The following shall be contraventions of this Ordinance:—

(a) Assisting and prohibited immigrant to enter the Colony or knowingly being a party to the introduction of any person of the class (c) of Section 5 hereof.

(b) Aiding or abetting a prohibited immigrant or any other person in any contravention of this Ordinance or of any Rules for the time-being published hereunder.

(c) Resisting or obstructing directly or indirectly any Immigration and Employment Officer in the execution of his duty.

(d) Wilfully disobeying or disregarding any obligation imposed by or any lawful order made under this Ordinance or the Rules for the time being published hereunder.

41. *Punishment.*—Every person guilty of a contravention of this Ordinance or of any Rule for the time being published hereunder shall, where no penalty is expressly imposed, be liable to a fine not exceeding £ 75 or, to imprisonment of either description for a period not exceeding six months or he may be sentenced to *both such fine and imprisonment.*

*He may be further required to pay all cost of maintenance and charges for repatriation incurred by the Government on account of himself or of any person unlawfully brought into the Colony by him*

42. *Penalty incurred by a vessel's master.*—Any penalty incurred by the master of a vessel shall be paid before such vessel's clearance is granted. Notice in writing by the Immigration and Employment Officer to the Commissioner of Customs of any claim against the master, owners or agents of such vessel for a penalty shall be a sufficient authority to him to refuse such vessel's clearance until such order is withdrawn or is set aside by the order of a Court. Such a notice to the Port Captain or Port Officer shall be authority to him to refuse to take such vessel or allow it to go outside the port to any outer anchorage. When such notice is given or knowingly being a party to the introduction of any person of

43. *Enforcement of money penalty.*— the enforcement of any money penalty may be either by criminal prosecution or by civil action at the instance of an Immigration and Employment Officer.

All contraventions of this Ordinance or of the Rules for the time being published hereunder for which no special punishment is awarded, or for which no greater punishment than a penalty of £150 or imprisonment of either description is imposed, shall be cognisable in any Subordinate Court of the first class which may in respect of any such contravention impose a penalty or punishment up to the said limits. Such imprisonment may in any criminal prosecution be awarded either absolutely or in default of the payment of a penalty. Notwithstanding the foregoing provision any Subordinate Court of the first class having jurisdiction at any port where a vessel is detained under authority of this Ordinance shall have jurisdiction in any civil suit wherein a penalty not exceeding £750 is claimed from the master or owners or agents of such vessel.

44. *Appeal.*—An appeal shall lie to the Governor-in-Council from any decision of the Immigration and Employment Officer, or person authorised to act as such.

45. *Offences cognisable to police.*—Contravention of Sections 16, 17, 19, 23, 24 and 42 shall be offences cognisable to the police.

46. *Repeal.*—The Ordinances mentioned in Schedule B of this ordinance are hereby repealed.

47. *Rules.*—The Governor may from time to time with the sanction of the Secretary of State make Rules for the better carrying out of the provisions of the Ordinance, and for fixing fees to be paid for any services rendered in respect of the provisions of this Ordinance.

48. *Saving.*—Until other provision is made in that behalf all Rules made under the Immigration Restriction Ordinance, 1906, or any Amendments thereof shall be deemed to be and shall have the effect of Regulations made under this Ordinance.

## CHAPTER II.

### SOUTH AFRICA.

#### THE CLASS AREAS BILL 1924.

Be it enacted by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa as follows:—

1. Whenever an urban local authority shall intimate to the Minister:—

- (a) that any area within its limits is wholly or for the greater part occupied for residential or trading purposes or both such purposes by a particular class of persons, or that an area within those limits is available for the exclusive occupation for residential or trading purposes or both such purposes by a particular class of persons; and

- (b) that it is desirable that the provisions of this Act should be applied in respect of such area,

it shall be lawful for the Minister to appoint a commission consisting of not more than three persons (hereinafter called the Commission) to investigate and report upon the desirability of applying to such area and to the urban area within which it is situated the provisions of this Act.

2. (1) It shall be the duty of the Commission to enquire and report upon the following matters:—

- (a) The extent and nature of the area which was the subject of intimation under section one of this Act;
- (b) the number, dimensions, situation and nature of sites occupied or available therein for residential or trading purposes or both such purposes as the case may be;
- (c) whether there would be afforded by the area proper and adequate facilities for residences or trading sites or both as the case may be for the particular class of persons concerned;
- (d) whether due and proper provision exists or is assured for water, lighting, sanitary and other necessary services within the area;

- (e) whether it is desirable that the provisions of this Act should be applied in respect of the area; and
- (f) any other matter which the Minister or the Commission may deem necessary or desirable.

(2) The commission shall have all such powers, jurisdiction and privileges as were conferred upon the commission referred to in Ordinance No. 30 of 1902 of the Transvaal, and all and several the provisions of that Ordinance shall *mutatis mutandis* apply in respect of the commission and its proceedings.

3. (1) At any time within six months after the receipt of the report of the commission, the Governor-General may by proclamation in the *Gazette* to declare that, on and after a date to be mentioned in the proclamation, the area defined therein shall be class residential area, or class trading area, or a class residential and trading area within the urban area.

(2) More than one area within the urban area may, by any such proclamation, be defined as class residential areas, or as class trading areas, or as class residential and trading areas as the case may be.

(3) Notwithstanding anything to the contrary contained in the Precious and Base Minerals Act of the Transvaal (Act No. 35 of 1908) or any amendment thereof, or in any other law, a class trading area may be established under this Act on land within an urban area which, in terms of the said Act No. 35 of 1908 or any amendment thereof is proclaimed land or land held under mining title.

4. From and after the date mentioned in any proclamation issued under this Act establishing a class residential area, or a class residential and trading area, it shall not be lawful, save as provided in section *ten* of this Act:—

- (a) for any person other than a person of the class concerned to acquire immovable property or a lease or renewal of lease of immovable property within any such area; or
- (b) for any person of the class concerned to acquire immovable property or a lease or renewal of lease of immovable property anywhere within the urban area

save within the limits of the class residential area or of the class residential and trading area, as the case may be:

Provided that nothing in this Act contained shall apply to the renewal of a lease of immovable property where a right to such renewal is held under a lease existing at the date aforesaid.

5. (1) From and after the date mentioned in any proclamation issued under this Act establishing a class trading area or a class residential and trading area within any urban area, it shall not be lawful for any licensing court, board or authority, or for any person authorised to grant or issue licenses or permits to carry on any trade or business within the urban area—

(a) to grant or issue to any person other a person of the class concerned any licence, permit or other authority to carry on any trade or business with the class trading area or class residential and trading area as the case may be; or

(b) to grant or issue to any person of the class concerned any licence or permit to carry on any trade or business within the urban area elsewhere than in the class trading area or class residential and trading area as the case may be—

Provided, however, that if the Governor-General is satisfied that it is in the general interest of the public that it should be permitted to persons of the class concerned or any restricted number of such persons to carry on any particular trade or business within the urban area elsewhere than in the class trading area or class residential and trading area, as the case may be, he may, by proclamation in the *Gazette* for such period as he may therein fix, exempt, persons of the class concerned or: restricted number of such persons from the operation of paragraph (b) of this subsection in respect of that particular trade or business.

(2) Nothing in this section contained shall be deemed to prohibit the grant to any person holding, at the date mentioned in any proclamation issued under this Act, any licence, permit or other authority to carry on any trade or business, or a renewal of such licence, permit or other authority.

6. (1) Whenever, in the opinion of the urban local authority concerned, any area established under the Act as a class residential area or a class trading area or a class residential and trading area, proves inadequate for, or unsuitable to, the requirements of the population of that class in the urban area, and the urban local authority deems it desirable to extend any such area or to create a new class residential area or class trading area or Asiatic residential and trading area, the urban local authority may communicate its opinion to the Minister, who thereupon may take all such steps as he may take upon receipt of an intimation under section one of this Act.

(2) All and several of the powers exercisable under this Act in respect of the establishment of a class residential area or a class trading area or a class residential and trading area shall be exercisable in respect of the establishing of a new area or the extension of any existing area of like character.

7. (1) If at any time the Governor-General is satisfied that a class residential area or a class trading area or a class residential and trading area established under this Act is inadequate for or unsuitable to, the requirements of the population of that class in the urban area concerned, and that, by reason of the delay which would necessarily take place in removing the causes of the inadequacy or unsuitability, serious prejudice would be suffered by that population unless the provisions of this Act in respect of such inadequate or unsuitable area be suspended, he may, by proclamation in the *Gazette* to declare that, from and after a date to be therein mentioned the provisions of this Act shall be suspended in respect of the class residential area or class trading area or class residential and trading area concerned.

(2) From and after such date the provisions of this Act shall in all respects cease to apply to the area deemed to be inadequate or unsuitable, and, in respect of such inadequate or unsuitable area, to the other parts of the urban area within which it is situated.

(3) The Governor-General may, whenever he may deem fit, de-proclaim as a class residential area or a class trading area or a class residential and trading area, as the case may be, any area which has been the subject of a suspending proclamation under sub-section (1) of this section, or to proclaim as a class residential area or a class trading area or a residential and trading area under this Act any area which wholly or partly includes area which has been the

subject of a suspending proclamation under sub-section (1) of this section.

8. Any class residential area, or class trading area, or class residential and trading area established under this Act for any Asiatic race shall, for the purposes of section *two* (b) of Law No. 3 of 1885 of the Transvaal be deemed to be an area within which, in terms of that law, fixed property may be owned by Asiatics.

9. (1) For every class residential area, or class trading area, or class residential and trading area established under this Act there shall be an advisory board consisting of not less than three persons of the class concerned resident within the urban area, in addition to a chairman who in the case of a non-European class area, may be a European. The mode of election or selection of members of any such board, the period and conditions of office of members, and the procedure of the board shall be defined by regulations made by the urban local authority and approved by the Minister.

(2) It shall be the function of an advisory board established under this section to advise the urban local authority in respect of any matter referred to it by such authority for advice, and no by-laws or regulations particularly affecting the interests of the class or persons concerned shall be made or withdrawn by an urban local authority unless the advice of such advisory board shall first have been obtained in respect of the making or withdrawal, as the case be, of such by-law or regulation.

10. (1) Subject to the provisions of sub-section (3) of section *three* and of section *eight* of this, nothing in this Act contained shall be deemed—

- (a) to affect the operation of Law No. 3 of 1885 of the Transvaal or any amendment thereof; of section *two* of Act No. No. 18 of 1913; of Act No. 37 of 1919; of Chapter No. CXIII of the Orange Free State Law Book or any amendment thereof; or of any other law prohibiting, restricting, regulating, or in any way affecting the ownership or occupation of immovable property or trading by Asiatics or by coloured persons; or
- (b) to prohibit the acquisition by the Government or any urban local authority for educational, municipal or any other public purpose of the ownership or occupation of any immovable property; or



- (c) to prohibit the acquisition at any time of land or interests in land or the lease or occupation of immovable property by devolution or succession on death whether under a will or on intestacy; or
  - (d) to prohibit any executor of a deceased estate or any trustee in insolvency from holding any immovable property or trading under any license where power to do any such thing is conferred upon him by any law; or
  - (e) to invalidate or affect in any manner whatever any agreement or other transaction for the sale or purchase of land lawfully entered into prior to the date mentioned in any proclamation under this Act establishing a class residential area or a class trading area or a class residential and trading area.
- (2) Nothing in this Act contained shall be deemed to affect any officer of the Consular service or any person to whom the Governor-General may grant letters of exemption from the operation of all or any of the provisions of this Act.
11. In this Act, unless inconsistent with the context—"class of persons" includes any European persons or any other persons having, in the opinion of the Minister, common racial characteristics, but does not include any natives as that term is defined in section *twenty-nine* of the Natives (Urban Areas) Act, (Act No. 21 of 1923).
- "Minister" means the Minister of the Interior or any other Minister to whom the Governor-General assign the administration of this Act.
- "Urban area" means an area under the jurisdiction of an urban local authority.
- "Urban local authority" means any municipal council, borough council, town council or village council, or any board, village management board, local board or health board.
12. The Act may be cited as the Class Areas Act, 1924.

## MR. GANDHI ON CLASS AREAS BILL.

*What the Future may Hold.*

Mr. Gandhi has issued the following statement of his views regarding the anti-Asiatic movement in South Africa, and especially the Class Areas Bill:—

As one expected to understand the situation created in South Africa by the anti-Asiatic movement now going on there, and especially the Class Areas Bill now under consideration by the Union Parliament, I deem it my duty to place my opinion on the situation before the public.

Anti-Asiatic agitation on the part of Europeans in South Africa is no new thing. It is almost as old as the first settlement of unindentured Indians in South Africa, and is principally due to trade jealousy on the part of White retail traders. As in other parts of the world, so in South Africa interested men, if they sufficiently persist, find no difficulty in gathering the support round them of those who are not so interested but who do not think for themselves. The present agitation, I remember, was begun as early as 1921, and the Class Areas Bill is, no doubt, one result of that agitation.

Before dealing with the nature and effect of the Bill, it is necessary to point out that it is in breach of the compromise of 1914 arrived at between the Union Government and the Indian-community of South Africa. But it was a compromise to which both the Indian Government and the Imperial Government were as much party as the Union Government and the Indian community, because the compromise was arrived at with the knowledge and concurrence of the Imperial and the Indian Governments. The latter had even sent Sir Benjamin Robertson as a representative, technically to watch the course of the Commission that was appointed by the Union Government to inquire into the Indian position, but in reality to negotiate a settlement. The main terms of the compromise were settled before Sir Benjamin Robertson, who represented the Indian Government, returned to India.

In accordance with that compromise no further anti-Asiatic legislation was to be passed by the Union Government. The understanding at the time was that the legal position of Indians would be gradually improved and that the then existing

Restricting  
Indian Liberty

anti-Asia legislation would in time to come, be repealed. The contrary, has, however, happened. The public may remember that the first attempt to break the spirit of the compromise was made when in the Transvaal an attempt was made to enforce the existing legislation adversely to the Indians and contrary to the practice that prevailed at the time of the compromise. The Class Areas Bill, however, goes much further in restricting Indian liberty.

Whatever may be the other implications of the compromise, this much cannot be disputed by any party, that the settlement of 1914 pledged the Union Government not to put further restrictions upon Indian liberty, and apart from the general powers of disallowance vested in His Majesty under the Letter of Instructions addressed to the Governor-General of South Africa, the Imperial Government, if they would be true to their trust, are bound, at any cost, to insist upon the observance of the terms of the compromise referred to by me.

We in India may not ignore the difficulties of the Union Government, which is dependent for its existence solely upon the will of the Europeans of South Africa, expressed through their elected representatives to the exclusion of Indians and the natives of the soil. This unwarranted exclusion is the original flaw in the South African constitution, as it is to be found in the constitution of most of the self-governing Colonies which have their native populations and Indian populations. As the Imperial Government permitted the flaw, it is in honour bound to prevent untoward results arising from it. South Africa and Kenya will presently show what moral worth there is in the Imperial system. Pressure of public opinion may, and probably will, bring about temporary relief in both the places, but it will be only temporary. It can merely postpone the final act in the tragedy unless some unforeseen radical change, either in England or in India, takes place.

And now for the Bill itself. Unlike the Natal Municipal Franchise Bill which happily the Union Governor-General has in effect vetoed and which applied only to Natal, the Class Areas Bill is designed to apply to all the poor provinces. It enables the Government to segregate all the domiciled Indians and other Asiatics alike for residence and trade. It is therefore an extension, in a modified manner, of the location system devised as early as 1885 by the late Transvaal Government.

Let me say in a few words what the segregation may mean. The Indian location in Pretoria, where, in spite of the law 1885, not a single Indian has been as yet compelled to remove, is situated far away from the town itself and entirely outside the beat of the buyer whether English, Dutch or Native. The only trade possible in such locations is trade among themselves. Segregation therefore carried out to the full means nothing less than compulsory repatriation without any compensation. It is true that the Bill appears to preserve to a certain extent existing rights. But that reservation is of little consequence to the Indian settlers. I do not wish to burden this note by citing illustrations from South African experience to show how such reservations have, in practice, proved almost useless.

Finally, let it be remembered that when Indian emigration to South Africa was unrestricted, the fear of the Europeans was expressed to be that South Africa might be swamped by Indian's millions. All the South African statesmen then used to say that South Africa could easily digest a small Indian population and could even give it a liberal treatment, but that the European settlers could never rest content so long as the possibility of swamping remained. Now that the so-called fear of swamping has been removed, practically since 1897, the cry is raised for segregation; and, if that is accomplished, the next step will be compulsory repatriation. If the segregated Indians do not voluntarily retire, the fact is that the more accommodating the Europeans settlers of South Africa find the Imperial trustees to be, the more grasping they become in their anti-Asiatic demands.

## INDIANS IN SOUTH AFRICA.

When last we mentioned the Class Area Bill that the South African Government have prepared for dealing with their Indian problem, we complained that the Government of India had not taken the trouble to publish the text of the measure here, so that publicists in India should have something better than brief Reuter paragraphs to aid them in discussing it. The charge of not taking trouble was, we believe regarded as unjust. Then we withdrew. But our complaint that Government have not assisted in the leadership of public opinion in the matter remains and if the cause of their failure was

not negligence of the public it must have been deliberate policy, which is worse. The Class Areas Bill, or Segregation Bill, as it is sometimes called, aims at the restriction of rights that Indians domiciled in South Africa have hitherto enjoyed as regards choice of locality for residence or business and in reference to the purchase or lease of house property or land. It is thus a breach of the agreement made by the Union Government with the Indians in 1914. The undertaking then given by the Union Minister in the name of his Government was that the laws of the land would be administered towards Indians "in a just manner and with due regard to vested rights." The Government of India, who have always felt a peculiar responsibility for the welfare of the Indians in South Africa, interpreted this undertaking as implying that no new law would be passed imposing fresh restrictions on Indians, as an undertaking justly to administer existing laws would be meaningless if the rights that Indians were entitled to exercise under those laws could be restricted at will by fresh legislation. No other interpretation could reasonably be applied. But an influential section of South African public opinion has never shown itself likely to observe the obligations of the Union towards the domiciled Indians with greater exactness than is forced upon it. The present South African Premier did not hesitate even to recommend the Imperial Conference of 1923 to "get out of" the famous resolution affirming Indian right that it passed in 1921. To argue that the development of circumstances during the past ten years makes a variation of the Union agreement with the Indians desirable is legitimate, but to say that any variation can be made without the assent of the Indians, acting in their own behalf and in that of their posterity, is not legitimate and there is no surety that the Union Government and their constituents will observe that condition unless they are kept up to it. The speech by the Union Minister of the Interior to an Indian deputation a day or two ago is fresh proof of this.

The text of the Class Areas Bill has now reached India and been published here and shows that it provides for such a large and serious restrictions of the rights hitherto enjoyed by Indians as gravely to affect the whole prospect of their future welfare. It gives any Municipal Council, Village Council, Local Board, Health Board or similar body the right to intimate to the Union Government its desire to have a certain area within its jurisdiction proclaimed a class area. Thereupon, the Union Government will have authority to appoint a commission of "not more than three persons"—one per-

son will satisfy the legal requirement—to report upon the area, its extent, nature, suitability, sanitary condition and desirability for the purpose intended. After that, the Governor-General may proclaim the area to be “a class residential area, or a class trading area or a class residential and trading area. . . . It will thereafter not be lawful for anybody not belonging to the class concerned to acquire immovable property or a lease or renewal of lease of immovable property within that area,” not for anybody belonging to the class concerned to acquire those rights except within the prescribed area. If, then, an existing Indian bazaar in a town or village is proclaimed an Indian area, Indians will have no right to buy or renew a lease of property anywhere else in the place. If, on the other hand, an area—possibly a whole town—is proclaimed one for British or Dutch South Africans only, then Indians will have no property rights in it. The Bill similarly restricts the right to obtain trading licenses, though it provides that the Governor-General may relax these conditions regarding them in favour of particular persons or trades. Power is given to utilise the procedure of the new law in order to extend an area or create a new one in the same town or village. This provision might be used either for the benefit of Indians or to their detriment. So, obviously, by one-sided application, might another provision, which authorises the Governor-General to suspend the operation of the new law in regard to an area already proclaimed. The Bill prescribes that for every proclaimed class area there shall be established an Advisory Board to advise the Local Authority and that no by-law or regulation affecting class for whom the area is set apart shall be passed without that Board being consulted. But the Local Authority will, subject to ministerial sanction, lay down the method of forming the Board and its procedure, may insist upon the Board for a non European area having a European chairman and will regulate the period and conditions of office of the members.” while the Board will have no right to give advice except upon matters referred to it by the Local Authority. Among various other provisions of the measure is one empowering the Governor-General to grant letters of exemption from all or any of its provisions.

The more one studies the clauses of this Bill the worse do its implications appear. On the surface it provides for no compulsion in regard to segregation, except in compelling people to continue in a locality where they have already settled if it is proclaimed. In essence it introduces compulsion of a most repellent character and leaves only to the passage of time its application in the fullest degree. The

South African Municipalities are notoriously not to be trusted. The municipal segregation areas for Indians in the Transvaal were lately shown by the Asiatic Inquiry Commission to be a disgrace to civilisation and an important section of opinion in South Africa openly aims at making segregation a means to break down the endurance of the Indians and compel them to flee the country. There is in the history of the Indian question in South Africa nothing to justify belief that the provisions in the Bill for protection against the Municipalities by reference to a Government Commission and to Government itself are adequate safeguards. That a system of voluntary segregation might so be organised and conducted as to produce the maximum happiness in the communities living under it is conceivable; but there is not one iota of evidence that anything at present within the scope of the Union Government's politics will overturn the well-founded maximum that the segregation of a community which has no political power will always mean ghetto conditions. Upon the adoption of the principle of class areas, the Union Minister of the Interior, for all his fair assurances to the Indian deputation, insisted. What has to be faced in the proposed imposition of segregation for all time. The South African Government might by promises of the specially favourable administration of the Bill persuade the Indians to acquiesce in its provisions as regards themselves. But that is less than half the problem. The Indians dare not gain their own comfort regardless of the welfare of their posterity and for that posterity the Government of India, owing to the absence of Indian political rights in South Africa, are the official trustees. His Excellency the Viceroy assured his Legislature, in his inaugural address to it last month, that the Government of India were not satisfied with the position and were doing their best "to persuade the Union Government to incline to our view." We would impress upon the Government of India that the time has come when they should take the public further into their confidence. We know the general complaint overseas that Indian public discussion of the problem is not of a kind that helps its solution, but Government can hardly suppose that the discussion, now assuming big proportions throughout the country, will be better without their advice than with it. Lack of good information and sound leadership induces such foolish performances as that of the Legislative Assembly when it recommended a heavy new import duty on South African coal. What the country now requires is a full exposition of the Government's policy and a clear indication by Government of the way in which the public can best help them in their difficult task of negotiation. The public mind

would thus be assured and the situation improved rather than aggravated.—*The Times of India*.

## SEGREGATION IN SOUTH AFRICA

### *Ghetto Conditions*

Mr. C. F. Andrews writes to "*The Times of India*."—

Your very able article on South Africa in Tuesday's issue is of great practical importance at the present juncture when a fatal step appears on the point of being taken in that country which will inevitably lead further and further into reaction. There can be no shadow, of doubt that the Smuts-Gandhi settlement reached in 1914 was founded upon a pledge, solemnly undertaken on behalf of the whole South African Union, that the existing Indian rights, meagre and exiguous as they were, should be maintained. These Indian rights included, under certain conditions, those of residence in townships and the holding of trade licenses. Both these elementary rights are now in danger of being restricted in such a way that, under the new conditions, they would be practically valueless. For the Indian community will be segregated under the new Class Areas Bill at the primary decision of the municipalities. As you have rightly stated, the segregation of any community, which has not political power, will always in the end mean "ghetto" conditions; and no reservations under the Act can ever effectively prevent this.

Already the clear proof may be found on every hand in the Transvaal, wherever the segregation of Indians has been attempted under the Transvaal ordinance. The 'locations' at Pretoria, Germiston, and other places, are nothing else than ghettos to-day. I have visited them and lived in them and can speak from personal experience. The Report of the Asiatic Enquiry Commission acknowledges that these "locations" have been a blot on South Africa as a civilised country. Yet now it is proposed to extend the Transvaal system into Natal, where the number of Indians is far greater. All the safe-guarding clauses and advisory boards are quite useless when, as in this present Draft Bill (which has gained the consent of all political parties) the municipalities have both the initiative and the decision in almost every concern. If the Bill is passed into law, the words of Mahatma Gandhi, who has a more intimate experience of Indian conditions in South Africa than anyone in India to-day, are none too strong, when he stated in the public press: "Segregation in South Africa carried out



to the full means nothing less than compulsory repatriation, without any compensation." It would not be too much to say that in twenty or thirty years' time the leading members of the Indian community in Natal, who are engaged in trade, would be ruined men and compelled to leave the country. The rest of the domiciled Indians, who belong to the labouring classes, would then inevitably sink in the scale. Ghetto conditions would prevail in Natal as they now do in the Transvaal. As you point out in your leading article "there is an important section of opinion in South Africa which openly aims at making segregation a means to break the endurance of the Indians and to compel them to flee the country." Persons holding such ideas are not likely to neglect this new weapon, if it is once placed securely in their hands; and all the present talk about the Act being administered "in a just manner and with a due regard to vested rights" will not prevent injustice being done, when once the final step is taken and the Act becomes the law of the land.

My own experience of South Africa in 1913-14, in the midst of a similar critical period when everything that Indians cared for was at stake, has convinced me of the fact that there is a conscience in South Africa among the white community to which an effective appeal may be made. During a more recent visit in 1920, when I had exceptional opportunities of meeting leaders of political and social opinion, I felt the same thing. Indeed I have not lost hope even at the present moment when on all sides the outlook is extremely dark. On the earlier occasion, in 1913-14, the few outspoken words of Lord Hardinge, as Viceroy, at Madras the reported speeches of the Bishops of Madras and Calcutta and other leading Englishmen in India, the sentiment of the British public in Great Britain itself, were of incalculable service in changing the psychology in South Africa and leading up to a settlement. History might repeat itself, if British opinion could be made equally vocal to-day. For that cause I place an exceptional value on an article so cogent and well-reasoned as that which I have just read in *The Times of India*.

*The Cape Times* which is easily the premier newspaper in South Africa and usually careful in its editorials, has recently made (if Reuter is to be credited) a trully amazing statement that, because the present Bill refers only to new licenses and leases, it cannot be construed as a breach of the Smuts-Gandhi Agreement of 1914. But that historic settlement of Indian grievances was not concerned merely with individuals or with one generation only. It was a settlement reached with the whole Indian community in the principle of give and

take. It was a settlement, by means of a precise formula, of a dispute which had gone on at least since 1908. The terms were as follows:—The Indian community, on its part, agreed to sacrifice the future right of entry of Indian immigrants in South Africa, only requiring that the prohibition should be made on economic rather than racial grounds and that it should be brought in by an administrative regulation rather than by a legislative Act. The South African Government, on its part, agreed to maintain all existing Indian rights in South Africa itself.

Since that Agreement was reached the Indian population, having abandoned the right of further entry, has not increased in anything like the same proportion as the British, whose immigration is fostered and encouraged. I have not at hand the exact figures, but I believe it would be true to say, that, while the Indian community has increased in Natal by less than five per cent. in the last decade the European population has increased by more than twenty-five per cent. There can, therefore, be henceforth no possible competition in population. The fear of what has been called an "Asiatic invasion" has been entirely removed.

But this sacrifice was made and these fears were removed on the express condition that the existing rights, not merely of Indian individuals, but of the entire Indian community should be maintained. There ought to be no possible misunderstanding on that point; for it is as clear as the day. Mahatma Gandhi on behalf of the Indian community in South Africa and Sir Benjamin Robertson, on behalf of the Government of India, were parties to the Agreement from the Indian side. General Botha and General Smuts were parties to the Agreement from the South African side. It was finally settled and signed just before the commencement of the Great War. Its settlement profoundly affected the attitude of India itself, making India's whole-hearted service in the great war possible. Thus the Agreement became doubly sacred and binding.

I was in South Africa when the preliminary settlement was reached and the preliminary Agreement was signed. At that time, I had many personal interviews with General Botha and General Smuts. I was also in close daily companionship with Mahatma Gandhi and in daily correspondence with Sir Benjamin Robertson. It is possible therefore for me to assert without any fear of contradiction, that the Agreement was on these lines, just as I have stated. Certainly Mahat-

ma Gandhi would never have left South Africa, if there had been even a single syllable in the Agreement, which would have lent itself to any other interpretation.

Two issues have therefore clearly to be faced: (1) The South African Union Government with the assistance of all other political parties has made up its mind to commit a breach of faith towards the weak Indian community. Having obtained what it needed so badly namely the prohibition of Indian immigration, it is ready now to tear up the Agreement and to refuse to fulfil any longer its own side of the settlement. (II) This new segregation Bill is itself unjust and will lead to further acts of injustice. It will produce in Natal 'ghetto' conditions, which are repugnant to every humane person humiliating to Indians as a race.

## THE PASSIVE RESISTENCE STRUGGLE 1913

### BOMBAY LADIES' SYMPATHY

A preliminary meeting of Bombay ladies in connection with the question raised by the crisis in South Africa was held on the 20th November, 1913, in the Hall of the Servants of India Society, Sandhurst Road. There were present a large number of ladies representing the various communities of Bombay, Hindu, Parsee, Mahomedan, Christian, Jain, etc.

The proceedings commenced with the proposal of Mrs. Hill to elect Lady Petit as president of the gathering. The proposal was seconded by Mrs. Dehdustia, and supported by Mrs. Pattani. The proposition being unanimously carried, Lady Petit occupied the chair amid acclamations. The president then called upon Mrs. J. B. Petit to read out the messages of sympathy received from Lady Currimbhoy, Mrs. Kshamabai Rao, Miss Madgonkar and others.

Lady Petit then rose and addressed the gathering as follows:—

Ladies, we meet here to-day, representatives of all sections of the women of Bombay, to consider what steps should be taken to give expression to our feelings of deep sympathy with our sisters in South Africa and profound indignation at the persecution to which the South African Government are subjecting them. The subject has been of late so deeply exercising our minds that it would be superfluous for me to give you the details of the many ways in which they are being harrassed. It would be enough for our present purpose to say that the unjust and insulting disabilities, which

the Union Government has imposed upon Indian women as well as men resident in South Africa, have provoked a movement of passive resistance, in which the women have taken their place with men and have not been backward to take their share of the sufferings involved in the struggle. Another way in which our countrymen in South Africa seek to force on the Union Government a sense of the cruel wrongs they are inflicting on their faithful subjects is by means of strikes of Indian labourers on the mines and sugar plantations in South Africa. This movement has extended beyond all expectations, and now includes about 30,000 hands. The weapons with which our countrymen have chosen to fight the deep-seated race prejudice and gross selfishness which have inspired the iniquitous Asiatic Acts are acknowledged on all accounts as perfectly legitimate and constitutional; in fact, a process of self-suffering is the only means which will enable a people weak in material, but strong in spiritual force, to overcome the oppression practised by a Government, which, whatever be its moral state, is much their superior in material strength. But see how the Union Government has elected to crush the passive resistance which our countrymen are offering to their harsh laws! No civilised Government has ever been guilty of the barbarities to which the Indians, men and women, are being subjected by the Union Government, with a view to break the force of their passive resistance; no civilised Government has ever converted its mines into gaols, and mine-owners into gaolers, and consigned the strikers to the tender mercies of their former employers, who would thus have the power to mercilessly flog them for the offence of continuing the strike. Recent messages from South Africa convict the Union Government of all these grave charges; and an urgent and immediate cry of protest must rise from every part of the country, from men and women alike, calling upon the Imperial Government, if they have any concern for the honour and welfare of a loyal section of the subjects of the Empire, to put their foot down and prohibit these shameful proceedings. The whole civilised world is horrified at these barbarities, and it behoves the Imperial Government, in the interests of the Empire itself, to sternly put a stop to them.

The particular grievance of our sisters in South Africa is, of course, the marriage difficulty, and touching as it does the honour of the whole Indian womanhood, it is perhaps the most serious of all. The Immigration Act refuses to recognise as valid any marriage according to rites which do not prohibit polygamy. All marriages,

therefore, performed according to the non-Christian faith are to the Union Government as null and void; and a wife and even an only wife of an Indian who obtains entry into South Africa is not regarded by the Union of South Africa as a wedded wife, and is, therefore, a prohibited immigrant. The issue of such marriages also, it necessarily follows, the Government would consider illegitimate.

The Union Government has sought thereby to perpetrate an insult to the honour of Indian women which they will never meekly suffer to attach to them; our sisters in South Africa are therefore perfectly right—all honour to them—to join the passive resistance struggle rather than suffer such a grievous indignity. It is our manifest duty here in India to hold meetings everywhere to support our brave sisters, and make a supreme effort at collecting funds which alone will enable them to carry on the struggle. I now call upon Lady Mehta to move the first resolution.

Lady Mehta then proposed "that a Committee consisting of the following ladies (with power to add to their number) be formed to organise in Bombay a public meeting of ladies to express sympathy with the sufferings of Indian women in South Africa, to protest against the cruel treatment meted out to them by the Union Government, and also to collect funds for the purpose of alleviating the distress of our suffering sisters in South Africa and of helping the Indian cause in that Colony generally." The names of the members of the Committee are: Lady Jamsetji Jeejeebhoy, Lady Petit, Lady Metha, Lady Currimbhoy, Lady Jagomohands. Dilshad Begum Saheba, Mrs. Heaton, Mrs. Stanley Reed, Mrs. Ramabai Ranade, Mrs. Jamnabhai Sakkai, Mrs. Dehdustia, Miss Serenebai, M. Kharsetjee and Mrs. J. B. Petit, the last two serving as Secretaries of the Committee. In moving this proposition Lady Mehta said:—In commending this resolution to your acceptance I do not think I shall be charged with exaggeration, when I say that the news which we have received of the cruel treatment to which our fellow countrymen in South Africa have been subjected, has sent a thrill of horror and indignation through the heart of every man, woman and child, in this City, and in the whole of the Presidency. At this time of the day it is not necessary to describe the various reasons and circumstances which have driven loyal and peace-abiding subjects of His Imperial Majesty the Emperor of India to resort to the measure of passive resistance. It is enough to say that a conservative statesman like Lord Amthill, a former Governor of Madras, has openly

and loudly proclaimed in the House of Lords that the demands of Indians in South Africa were moderate and just, and the premises given to them were not fulfilled by South African administrators. In the struggle which has ensued it cannot but be a matter of pride to us that the Indian women in that part of the country have joined with fearless courage and enthusiasm, braving all the hardships and tribulations to which such action expresses them. All honour to these brave women for their self-sacrificing and suffering spirit! Who would have believed that Indian women were capable of such heroic conduct, standing shoulder to shoulder with their husbands, fathers and brothers! Really and truly our heart bleeds for them and goes out to them in this their hour of harm, pain, and suffering. They have had the courage to leave behind their families and their children, unprotected, unprovided for and starving. It is our duty to go to their help in such a time. If we cannot suffer with them let us at least help them by finding money to keep them from starvation. Let us call a public meeting, raise subscriptions, and forward them without delay. It is a duty which we owe them and I am certain that we shall lose no time in performing it.

### GREAT MEETING IN BOMBAY

The Town Hall, Bombay, was packed to its utmost capacity, on December 10, 1913, by a vast and enthusiastic audience, which met to pass resolutions in reference to the treatment of Indians in South Africa. Among those present were: H. H. the Aga Khan, the Hon'ble Sir Pherozeshah M. Mehta, the Hon'ble Sir Jamsetji Jeejeebhoy, Sir D. M. Petit, Sir Cawasji Jehangir, Sir Dorab and Lady Tata, Sir N. G. Chandavarkar, the Hon'ble Sir Ibrahim Rahimtoola, Sir V. D. Thackersey, Dr. Stanley Reed, Mr. D. E. Wacha, the Rev. Dr. Scott, Mr. H. A. Wadia, the Hon'ble Mr. G. K. Parekh, the Hon'ble Mr. F. M. Chinoy, the Hon'ble Mr. V. Patel, the Hon'ble Mr. Lallubhai V. Samaldas, the Hon'ble Mr. Manmohandas Ramji, Mr. B. G. Horniman, Mr. J. B. Petit, Sardar Pheroze D. Dastur, Mr. H. M. Cama, Mr. Haji Usuf Haji Esmail, Mr. Mahomedbhai Currimbhoy Ebrahim, Mr. Natarajan, Mr. A. J. Billimoria, Dr. N. H. E. Sukia, Mr. Purushotamdas Thakordas, Mr. H. L. Cowlie, Mr. Smith Dastoor, Dr. M. N. Dhala, Mr. R. P. Karandikar, Dr. K. E. Dadachanji, Mr. Narottamdas Morarji Gokuldas, Mr. Sorabji Talyarkhan, Mr. M. C. Javle, Mr. V. D. Dabholkar, Mr. H. P. Mody, Dr. S. Batliwala and others.

H. H. the Aga Khan presided. After His Highness had taken the chair, Mr. J. B. Petit announced that message of sympathy with the object of the meeting had been received from H. H. the Gaekwar, Sir Currimbhoy Ibrahim, Sir Chinubhai Madhavlal, Sir Balchandra Krishna, Mr. B. D. Petit, the Hon'ble Sir Fazulbhoy Currimbhoy, the Maharaja of Cooch Behar, the Raja of Bansda, the Rani Sahib of Panna, and from most of the important cities in the Presidency, including Ahmedabad, Poona and Karachi.

H. H. the Aga Khan announced that H. H. the Gaekwar of Baroda had contributed Rs. 5,500 to the South African Indian Fund, and the Hon'ble Sir Pherozechah Mehta announced amid loud and continued cheering, that H. H. the Aga Khan himself had contributed Rs. 10,000. . . . .

The Maharaja of Cooch Behar and the Maharaja of Bhavnagar have each subscribed Rs. 1,000 and the Maharaja of Bansda Rs. 500.

The Aga Khan was received with prolonged applause on rising to address the meeting. He said: As the Chairman of this public meeting, it falls to my lot to echo the feelings of the people of India which the calamities that have lately occurred in South Africa have evoked throughout the length and breadth of this Empire. It is no exaggeration to say that in the modern history of India, it is impossible to find a parallel to the intensity of feeling to which Indians have been stirred by the painful occurrences in South Africa. The solidarity of public opinion in regard to this most difficult and vexatious question is indeed striking, and the fact that the requisition to the Sheriff to convene the meeting is signed by the representatives of all the communities furnishes eloquent testimony to the complete unanimity of opinion that prevails in India as to the unjust and harsh treatment to which our fellow subjects in South Africa have been subjected. If such treatment were meted out to Englishmen in any foreign country, it would have been treated as a "casus belli." (Cheers.) If Disraeli, or Gladstone, or Palmerston, or Bright were alive, they would have moved the whole of England by their earnestness and eloquence to see that the fair name of England for justice and equity was kept unsullied.

The loyal, patient, and silently toiling Indians expect that the fact of their being the subjects of His Imperial Majesty the King-Emperor should be sufficient protection of their rights of citizenship in any British Colony, (Hear, hear). The Indian leaders in South Africa are willing to recognise the delicacy of the relations between

the Imperial and the South African Government, but no question of difficulty should be allowed to stand in the way of elementary human justice being done. Public opinion in India cannot believe the statement that the Imperial Government is helpless in the matter.

Sir Pherozeshah in the course of his speech said: "I ask you to remember this, I have all along held that a subject of the British Crown has a right to free entry and access to every part of the Empire. (Loud cheers). I have always disagreed with some of my friends and have always said and maintained tht Indians can never give up this great and vital principle of Imperial citizenship. (Loud and continued cheers). What did Mr. Gandhi do? Did he ask for that? Never. He bowed to fate and said: "Very well, let immigration go. I only ask for a recognition of the legal rights of those settled there, of their social customs, and domestic economy." All these were promised him, and when the legislation come, what was the result? It was an absolute negation of those promises. And still we are told that it is the Indians who should practise moderation and that the Boers should be satisfied that the demands are of a moderate character. Finding that Mr. Gandhi was again at his game of persuasion and reason and argument, I call this unpractical, and disagree with this saintly character only here. I say it was a mistake that they asked for too little, and they failed because they did so. If he had asked for more, and if he had stuck out for that full demand, he would have got something. He would not have been told that because he had asked for so little, therefore he would get still less. That I think, according to my poor judgment, was a great blunder but it illustrates the reasonable and moderate character of the campaign carried on by Mr. Gandhi. Surely, the South Africans ought to have recognised the extreme docility and moderation of the demands toned down to the lowest depths. I ask your attention to this because it is the Indians who have been charged with not exercising patience and moderation, and Mr. Gandhi was still at his old game of reasoning and persuading, with what result? Nobody listened, and upto the present nothing has been done, and still we are asked, and the Indians in South Africa are asked to practise moderation. (Laughter.) Now the situation has developed in a way which has caused intense pain and agony to people in this country. Look at the way in which this aggressive Union Government of South Africa treats the Marriage Laws of the Indians settled there in their high superiority.



As the Chairman had said, there was a time when Indians were highly civilised, when Boers and Britons were unknown, and denying that everything must be recognised by religious custom, they say that Indians married according to their own rights and customs are not to be considered as married at all. (Cries of shame, shame.)

I tell you what I feel sincerely, that there has been no more touching episode in the whole history of the campaign than the conversation which Mrs. Gandhi had with her husband before she cast in her lot with him in the passive resistance movement. After the decision of the Supreme Court there, denying the legitimacy of Hindu and Mahommedan marriages, she asked him, "Am I your wife or not? I am not your wife if this decision stands, and if I am not your wife, I am not a woman of any true womanhood in the estimation of my own sex, and my children are illegitimate." Mr. Gandhi must have known what it was to expose tender women to the hardships of the campaign but in spite of his pleadings, that brave lady decided to cast in her lot with those men who were fighting for the cause. History records the deeds of many heroines, and I feel that Mrs. Gandhi will stand as one of the foremost heroines in the whole world.

But we are told: What can His Majesty's Minister do in a matter of this character, which concerns the internal economy and discipline of a self-Governing Colony? I entirely and absolutely agree with His Highness the Aga Khan that we are bound to speak with due respect for the Ministers of the Crown. But with all that, it is impossible not to tell them that the people of this country cannot but consider that they have not extended that protection to the Indian subjects of His Majesty the King-Emperor which as Ministers of the Crown they were bound to accord to millions of his subjects in the Colony.

Sir N. G. Chandavarkar who was a judge of the Bombay High Court and who now occupies the distinguished position of Chief Minister of the Indore State in the course of his remarks spoke as follows on the marriage question.

Marriages which had been treated as legal have been set at naught as illegal in the name and under the ordering of the new law on a strained and ingenious interpretation of the expression "Monogamous marriage." The practice had been, before this Immigration Act, to admit a woman married by a domiciled Asiatic according

to the rites of his religion as his wife, so long as she was his only wife in South Africa. The pledge given in 1911 was that that existing right would be maintained.

But directly the new Immigration Act comes into force, the pledge is broken and the kind of wife I have spoken of is turned into a concubine, on the ground that as the woman was married according to the rites of a faith which allowed polygamy, the marriage was not monogamous. An eminent British Jurist said some years ago that there was no such thing as "legal fraud," that all fraud was fraud in the eye of the law and there was no legal fraud as distinguished from other kind of fraud. But the South African Government has given us a concrete example of legal fraud, for when a Government promise to maintain existing rights under and by means of a proposed law and then tramples those rights under foot in the name of that very law by employing language to conceal its thoughts and break its faith, it is law legalising fraud. And the comic feature of the situation—for tragic as the situation is, a question of life and death to British Indians resident in South Africa—it has its humorous side also, the comic feature of the situation is that these marriages are declared illegal because the Union Government professes to have a tender Christian conscience, in favour of monogamy. I have no doubt, we all respect that conscience; we venerate the founder of that religion and his apostle who saw in marriage a spiritual fellowship of our soul with another soul. But what would the founder of Christianity and His Apostle St. Paul have said to the South African pharisees, who in His name condemn as a concubine a woman, the sole wife of her husband, merely because the religion according to which she married allowed polygamy. If that is polygamy, with equal ingenuity and pharisaism we might argue that a Christian marriage is polygamous because it is allowed to a Christian to divorce his only wife and marry another. (Applause.)

I do not say this to catch applause and your appreciation, but I put this consideration as one who has known law, who has practised law and who for twelve years had administrated law. This is an abomination of law and I am justified in saying therefore, that the Christians are as barbarous as we are said to be. And remember that those who treat us as Periahs to-day will be the Pariahs of to-morrow and also remember that no one can treat another as a slave unless in God's Providence he became a slave in turn, and if the Ministers read their Bible not only on Sundays

but every day, they will find the Bible teaches that England has been writing the New Testament every day but now South Africa wants to take the pen from the hands of England and wants to revive slavery within British dominions. England has stood forth as a champion of freedom and a stern enemy of slavery and has written her name not only in the pages of history but also in the Book of Life, but the South African Government is now turning round and is driving the thin end of the wedge. This is not your cause, this is not the cause of your countrymen in South Africa, but there is a large and a serious problem at the back and if this situation is tolerated, slavery will be introduced in the British Dominions. The question is, shall this situation be treated and how long shall it go on? The answer was given to India by her Christian Viceroy, who presides over her destinies and who, true to the British traditions, true to his religion, true to his God and true to man has spoken with heroic calm which had made his name a household word among us.

#### MR. HOSKEN'S CHRISTMAS APPEAL

Mr. William Hosken contributes the following "Christmas Appeal" to the European readers of "The Star" (Johannesburg):—

There is so much of error and misunderstanding regarding the position taken up by the Indians in South Africa, and there is such a probability of cruelty and wrong being inflicted on a docile and law-abiding people, that I am impelled to write this appeal. I beg all lovers of justice and liberty, who stand for elementary human rights, to pause, to refuse to be hasty in judgment, and to inquire carefully into the causes that drive such an industrious, docile people to take the stand that they are now doing. Men do not give up all they hold dear—home, with children, means of livelihood, and even life itself—unless impelled by a great and lofty purpose. What is the purpose animating the Indians throughout South Africa? It is first and foremost to demand human rights, simple elementary human rights, the right to live under conditions befitting free men, and to be treated with justice, equality, and reasonable human consideration. When a whole people are driven to desperation they cannot be expected to be smooth and dulcet in their language. That is the position of the Indian people in South Africa to-day.

Are we who draw our breath and blood from England to find fault with resolute men using resolute language? Have we failed in our day of trial when it was necessary to speak out? From the year of peasant rising in Norfolk (1549), and even earlier, right down to the Chartist petition in 1884, we, as a people, have not hesitated to say, 'We demand,' and ultimately we have secured, but at what cost in human blood and human misery! Are we to learn nothing from the past? Even "The Star" forgets its role as champion of liberty in former days, and puts forward threats of "taking power to deport dangerous agitators!" Is not this the remedy of all autocrats? "Put them into the "Bastille," "Ship them to the ends of the earth." But do these methods ever succeed?

Let us approach the Indian demands dispassionately, and learn their actual meaning. In 1862, when Indian immigration was first sanctioned by the Home Government, it was solemnly promised in a despatch to the Indian Government still extant that the Indians going to Natal should have every facility to procure land and settle in that Colony at the end of their period of indenture. That solemn compact is not pleaded to-day, but are we as a people free from responsibility regarding it? The pledges given by Queen Victoria after the Mutiny, and by King George at the recent Coronation at Delhi, must also be borne in mind. We cannot remain inside the Empire and refuse to carry some of the burdens of Empire.

After dealing with the position of Indians subject to the licence, Mr. Hosken says:—"In actual operation the re-indenture law compels first the parents to re-indenture and then the children boys and girls, as they reach 16 years of age, to indenture, otherwise they must pay £3 tax out of their meagre earnings, or be sent to India, torn from their parents and family, even though they may have been born in Natal. The indenture period of the parents and children, consequently, works out at different dates and unless the family is to be torn asunder they have no alternative but to re-indenture. The £3 tax in operation therefore is, in practice, little short of a slavery law.

Mr. Hosken alludes to the resolutions of the Agricultural Union regarding the tax, and quotes Sir Thomas Hyslop, where he says: "We want Indians as indentured labourers but not as free men." The writer then proceeds: I am assured by those who know the

facts that the £3 poll tax sometimes causes horrible results with girls on their becoming liable to pay at the legal period of 13 years of age. Leaving the special cases and coming to its broad results, it holds under its driving force the 42,000 Indians, men and women, boys and girls, who are serving under indenture in Natal to-day.

Does the record of the free Indians in South Africa deserve this? Are they not a quiet, industrious, law-abiding people? Is not their criminal record better than that of any other section of the community, not omitting either Dutch or English? Is not their trade reputation with merchants and bankers superior to that of other traders doing a similar class of business? May I appeal to the conscience of the governing race, and ask: "Are the Indians treated with justice in our Magistrates' Courts, by trade licencing authorities, and by the governing race generally? Are we of the white race free from blame for the spirit of desperation that has now come over the Indian people in South Africa? We have sown the wind, and unless we take care we shall reap the whirlwind.

The manner in which Mr. Gokhale was misled, the tricks and subtleties of the Immigration Law, the betrayal over the position of Indian women,—*"de facto,"* monogamous wives, but *"de jure"* polygamous. I will now only mention. From the wired statements in this evening's "Star," I see General Smuts is following his natural best of the autocrat. What an object lesson is his action! First a republican, resolutely fighting for what he conceived to be liberty; then obtaining power and exercising it ruthlessly, without an atom of human sympathy. It appears that General Smuts is not going to give way. "The consent of the governed," is nothing to him; either with black and white. But I can assure him he is riding for a fall. When men came to the decision that life does not count in comparison with the cause to which they have devoted themselves, that cause is bound to win. That is the position of Indians in South Africa. Such peurilities as that of agitation in South Africa being fanned by the discontented in India should not receive credence. The position here is bad enough without giving thought to such absurdities.

Let us resolve to treat the Indians within our borders with justice and human sympathy, and the present difficulties will vanish. To behave otherwise will tarnish our own ideals, lower our self-respect, and degrade our standard of civilisation. The man that

does a wrong to another damages his own self-respect, and the people that do a wrong to another people suffer likewise. Should not the first question be: Are these people suffering a wrong, and can we remove it? or should it be: Are these people defying our laws, even by passive resistance, and shall we crush them before considering their grievances? Is it too much to ask that at this Christmas time the Christmas spirit shall influence us, and that we will say, "Peace on earth, to men of goodwill." Let us promote peace in our land of South Africa, among the three hundred millions, of Indians, in our own motherland of England, and in our own hearts. In this spirit would I beg the white races of South Africa to consider the demands of the Indian people.

#### ARRIVAL OF MR. ANDREWS AND MR. PEARSON

The s. s. "Umtali", which was due to arrive on the 28th December, 1913, was so delayed by heavy seas and head winds in the Indian Ocean that she was not sighted until early on the 2nd January 14. The Indian Community who were awaiting the coming of Mr. C. F. Andrews and Mr. W. W. Pearson from India by this boat, were feeling anxious at the delay. Before the immigration officer has completed his duties on the boat, a number of friends had assembled on the wharf to welcome at the first opportunity, the guests. Amongst those present were Messrs. Parsee Rustomjee, Omra H. J. Johari, I. A. H. Moosa, G. H. Miankhan, A. G. Tipnis, G. Isaac, M. K. Gandhi, H. S. L. Polak, A. H. West, Bhana Parshotam, M. S. Randaree, A. M. Shaik, Abdul Hack Kajee, and others.

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#### MEETING AT DURBAN.

At a meeting the next day, January 3rd, after being introduced by Mr. Gandhi, who said that, "when the announcement was made in the papers of their coming, it gave a new hope to them in the time of darkness. They felt that the hand of God was on their movement." Mr. Andrews replied saying, there were no difference of opinion in India in regard to the South African question. Hindus, Mussalmans, Parsees, and Christians were united on this question. Some of his dearest friends were Mussalmans. Likewise

he had amongst Hindus very many close friends and the one he held most dear was the poet Rabindranath Tagore, who sent as his message a Sanskrit Mantram which Mr. Andrews recited. "Shanti", or peace was the burden of the message. It spoke of the one God, the Eternal, the All-wise, the God of joy and peace. "All must trust him", continued the speaker, "in the hour of darkness and suffering. Peace will be with us in suffering and even in death." The women of India, he said, sent a message of love and sympathy to their brethren in Africa. They felt most keenly the pain and trouble of those who were trying to preserve the honour of Indian womanhood.

Mr. Pearson referred to the warmth of the welcome given to Mr. Andrews and himself. He had already made close friends amongst those whom he had never seen before. The garlands reminded him of India which he loved. The flower would fade but the symbol would remain. The people of South Africa, he said, were doing more than they knew to build up a great spirit of nationality in India. His ancestors belonged to the Quaker sect, which believed in spiritual force, and he also believed in it. Mr. Pearson referred to a passage in the Bhagavad Gita which emphasised the need for "Shanti" (peace). If they all had peace in their hearts they would gain in the end those things which were right, no matter what might happen in the meantime.

Miss Molteno, who was pressed to say a few words said, I have been hearing of India on all sides. And she sends to Africa a message of divine love—infinite, at comprehending love. And my heart says that Africa must close this message in her own words—after her own fashion. I have so loved Africa that I have tried to shut myself away from all influences but hers. After the Boer War, I saw that Boer and Briton would have to unite, but would they try to do it at the cost of their dark brothers! Broken-hearted I went to England. For eight long years I remained away from Africa—in body—never in soul and spirit. And England and Europe have sent me back with this message to white South Africa: 'open your hearts—your souls—to brethren of colour. We are in the 20th century. Rise to the heights of this glorious century, try to comprehend the words of Du Bois—that grand and sympathetic soul: "The 20th century will be the century of colour." And I say it is also the Century of the Woman. She, too, is divine and supreme. She, too, must play her God-appointed part—and in the 20th century her part will be a great one.'

## THE REAL ISSUE IN SOUTH AFRICA.

Mr. C. F. Andrews writes to the "*Statesman*," Calcutta—

I have read with the greatest interest your leading articles published on the above question. The conclusion at which you arrived namely, the repatriation of all Indians, has at first sight much to commend it, and your statement of the case was very strong indeed. But a deeper consideration of the issues makes the solution you propose fail at the most critical point of all.

\*The present struggle in South Africa is not now primarily an economic one, as it has been in the past. Immigration of cheap Indian Labour has now ceased, and even new indentured labour is prohibited after the expiry of the present time services. The real issue is whether the nationalised Indians already settled in South Africa, who have shown such remarkable industrial and moral qualities, are to be regarded as a civilised or as an uncivilised community, and behind this issue lies the larger issue still of the status of India herself. Is she to-day, with her great past traditions and her more recent modern progress to rank among the civilised peoples of the world? Or is she to be an out-caste and a pariah among the nations?

Such a vital issue will not be settled by a mere repatriation of the South African Indians. On the contrary, this will have the appearance of a surrender of the main position. Canada may next clamour for the repatriation of the flourishing Sikh community in Vancouver, Australia may close entirely her already half-shut doors. British East Africa and the West Indian Colonial group may pass outrageous penal laws. Even the United States may not prove strong enough to stem the forces of race prejudice on her western borders. Thus India, whose very progress seems more and more to depend on having outlets for her new activities, may become sealed up, and shut within her own borders

The struggle, therefore—so it appears to me—must be fought out to the bitter end. For every one of us in this country it is necessary to recognise the fact that the honour of India is involved in the struggle. If she loses, she sinks to the level of the backward nations. Our duty is to see that she does not lose, but win.



## INDIA AND AFRICA

In a speech at Durban Mr. C. F. Andrews expressed himself as follows:—

He would like to express an ideal that had been growing in his mind. From the moment he left Colombo until he reached Durban, he passed over almost unbroken seas. India looked across Africa and Africa to India, and they were the nearest neighbours in the world. Surely, between those two great civilisations, one ancient and the other new, there should be growing up the greatest of all possible friendships. India ought to be giving to South Africa some of its great riches, and South Africa ought to be giving to India some of that amazing activity and courage that created in a new country enormous possibilities.

## MR. GANDHI AND THE RAILWAY STRIKE

Mr. Gandhi and Mr. C. F. Andrews left for Pretoria. The Editor of "*Pretoria News*" has obtained from Mr. Gandhi an assurance that, while the Railway Strike is proceeding, he would do nothing by the revival of the strike or of passive resistance to complicate the situation. "I shall take no unfair advantage of the Government," said Mr. Gandhi. "We shall resume operations, if it be necessary to resume them at all, only after the railway strike is settled. You have my personal assurance of that."

A TRUCE WITH THE GOVERNMENT—  
THE PROVISIONAL AGREEMENT.

The following correspondence between Mr. Gandhi and the Government places on record the agreement arrived at as a result of a series of interviews with the Minister at Pretoria:—

PRETORIA, Jan. 21, 1914.

"The Secretary for the Interior, Pretoria.

"Sir,—Before leaving for Phoenix, I venture to express my thanks to General Smuts for the patient and kind interview that he has been pleased to grant me during this time of overwhelming pressure. My countrymen will remember with gratitude his great consideration.

"I understand that the Minister is unable to accept (with regard to the Indian Inquiry Commission) either (1) my suggestion, that a member representing Indian interest should be co-opted when questions of policy are inquired into, or (2) my suggestion, that a second Commission, with Indian representation, should be appointed to deal with those questions only, the present Commission being in that case purely judicial. I submitted a third proposal also, which, in view of the Government's decision, I need not state here. Had any of my suggestions been viewed favourably by the Government it would have been possible for my countrymen to assist the labours of the Commission, but with regard to leading evidence before this Commission, which has a political as well as a judicial character, they have conscientious scruples, and these have taken with them a solemn and a religious form. I may state briefly that these scruples were based on the strong feeling that the Indian Community should have been either consulted or represented where questions of policy were concerned.

"The Minister, I observe, appreciates these scruples, and regards them as honourable, but is unable to alter his decision. As, however, by granting me the recent interview, he has been pleased to accept the principles of consultation it enables me to advise my countrymen not to hamper the labours of the Commission by any active propaganda, and not to render the position of the Government difficult by reviving passive resistance, pending the result of the Commission and the introduction of legislation during the forthcoming session.

"If I am right in the interpretation of the Government's attitude on the principle of consultation, it would further be possible for us to assist Sir Benjamin Robertson, whom the Viceroy, with gracious forethought, has deputed to give evidence before the Commission.

"A word is here necessary on the question of allegations as to ill-treatment during the progress of the Indian Strike at Natal. For the reasons above stated, the avenue of proving them through the Commissioners is closed to us. I am personally unwilling to challenge libel proceedings by publishing the authentic evidence in our possession, and would far rather refrain altogether from ranking up old sores. I beg to assure the Minister that, as passive resisters, we endeavour to avoid, as far as possible, any resentment of personal wrongs. But, in order that our silence may not be mistaken,

may I ask the Minister to recognise our motive and reciprocate by not leading evidence of a negative character before the Commission on the allegations in question?

"Suspension of a passive resistance, moreover, carries with it a prayer for the release of the passive resistance prisoners now undergoing imprisonment either in the ordinary gaols, or the mine compounds, which might have been declared as such.

"Finally it may not be out of place here to recapitulate the points on which relief has been sought. They are as follows:—

(1) "Repeal of the £3 tax in such a manner that the Indians relieved will occupy virtually the same status as the indentured Indians discharged under the Natal Law 25 of 1891.

(2) "The marriage question.

"These two are the points, as I have verbally submitted, which require fresh legislation.

(3) "The Cape entry question. (This requires only administrative relief subject to the clear safeguards explained to the Minister.)

(4) "The Orange Free State question. (This requires merely a verbal alteration in the assurance already given)

(5) "An assurance that existing laws, especially affecting the Indians, will be administered justly, with due regard to vested rights.

"I venture to suggest that Nos. 3, 4 and 5 present no special difficulty, and the needful relief may now be given on these points as an earnest of the good intentions of the Government regarding the resident Indian population.

"If the Minister, as I trust and hope, views my submission with favour, I shall be prepared to advise my countrymen in accordance with the tenor of this letter.

"(Sgd.) M. K. GANDHI."

Department of the Interior, Pretoria

Jan, 21, 1914.

"Sir,—With reference to your letter of even date, I am instructed by the Minister of the Interior to reply that you are

correct in your statement that it is not proposed to make any alteration either in the personnel of, or the reference to, the Commission appointed to inquire into the recent Indian strike in Natal. The Minister regrets, but, of course, understands, that you are so far committed by your previous public declarations in regard to the Commission that you are precluded from appearing before it. He also recognises the motive which makes you unwilling to revive old sores by courting libel proceedings before another tribunal.

“The Government repudiates as strongly and emphatically as heretofore the charges of harsh or improper action against the Indian passive resisters and strikers. But, as you and your friends have decided not to appear before the Commission and lead evidence in support of those allegations, it will be likely that there will be no charge for the Commission to investigate. The Government would regret the consequent absence of an opportunity to lead rebutting evidence in vindication of the conduct of its officers, but it feels that, unless it has a definite case to answer, any attempt to deal with the allegations before the Commission could only result in an unprofitable waste of time.

“The Government is anxious that any recommendations which the Commission may make on the larger issue of the Indian grievances, should be received at a sufficiently early date to enable proposals to be submitted to Parliament during the forthcoming session. It is hoped that those proposals, if accepted by Parliament, would ensure a satisfactory and permanent settlement. The Government considers that such a settlement of long-standing disputes is too important to justify any risk of endangering its achievement by delaying the proceedings of the Commission, already delayed through unforeseen circumstances, by an enquiry, which would now be necessarily one-sided, into points of minor and secondary moment relatively to wider issues at stake.

“If therefore, the Indians decline to submit to the Commission any specific charges in connection with the treatment of passive resisters and strikers during the recent troubles, they will not think it necessary to take any further action in refutation of allegations against it and its officers, but it reserves its right to ask the Commission to investigate the occurrences which resulted in loss of life at Esperanza and Mount Edgecombe.

"With reference to your prayer to the release of *bona fide* passive resistance strikers from ordinary or compound gaols, the Department of Justice, had already, previous to the arrival of your letter, taken steps to release the small balance of these prisoners kept in the gaols.

"In regard to the grievances which you have summarised at the end of your letter, the Government will, as already stated, await the recommendations of the Commission before taking any action.

"(Sgd.) E. M. GORGES,

Secretary for the Interior."

M. K. Gandhi, Esq., Pretoria.

### THE PROVISIONAL AGREEMENT

The correspondence between Mr. Gandhi and General Smuts, following, as it does, upon a series of interviews and conferences, contains the main points of an agreement that, at least temporarily avoids the terrible necessity of reviving passive resistance in its most painful form, and will, we hope and have reason to believe, remove altogether the causes that gave rise to the revival of last September (1913). We believe that Mr. Gandhi has left Pretoria carrying peace with honour, and the Indian community both at Johannesburg and Durban, has already endorsed his action and approved the terms of the agreement. Three matters of sentiment—of deep-reaching sentiment—emerge from the correspondence. First, the Government with a clear realisation of the situation, express a strong desire to introduce legislation, early in the coming session, calculated to end the present controversy, and thus fulfil their solemn undertakings given to the Indian community and their distinguished countryman, Mr. Gokhale. Secondly, the principle of consultation which, was, in effect, withheld from Indians when the Commission was appointed, is now admitted, and it will be for Indians themselves to maintain and develop it as occasion arises. Lastly, the genuineness, and sincerity of the motives forbidding the Indian community to lead evidence before the Commission on the allegations of ill-treatment (though they will co-operate heartily with the Viceroy's representative, Sir Benjamin Robertson, should he so desire, and give him any information that he needs) are frankly acknowledged by the Government. We are of opinion that never in the history of the struggle have the principles of passive

resistance been more vindicated and we believe that the services rendered by Mr. Gandhi and Mr. Andrews—whose wise counsel was equally availed of by all those concerned in the recent negotiations—are services not merely to the Indian community, but to the entire Union and the Empire at large.—*The Indian Opinion*, 28-1-14.

### DURBAN SUPPORTS MR. GANDHI

Mr. Gandhi before proceeding to explain the terms of the provisional agreement, announced that Mr. Andrews had received a letter from England preparing him for the death of his beloved mother, whom he had expected to meet on his arrival in England. He also added that Mr. Andrews was suffering from fever due to the strain under which he had worked in Pretoria in connection with the agreement. Notwithstanding these facts, Mr. Andrews had insisted on attending the meeting.

Mr. Gandhi addressed the meeting at length both in English and Hindustani, his remarks being subsequently rendered into Tamil. Mr. Gandhi said that those of whom he was addressing the remarks in English would, he hoped, have what had been published in the papers, but he would give them the purport of the agreement with the Government. At the first interview he had had with General Smuts, he had placed before him three propositions, the acceptance of any one of which would have enabled the community to lead evidence before the Commission without violating the solemn declaration made some time ago on that very ground. These alternatives were that either the Government should appoint another Commission and restrict the scope of the present Commission purely into a judicial inquiry into the allegations that had been made as to ill-treatment and cruelty, while the other should go into the question of grievances, when the community would be able to lead its evidence before both; or that a member should be co-opted to the Commission to represent Indian interests who would sit specially on the Commission hearing the statement of grievances as apart from the allegations of cruelty, so that the functions of this Commission should clearly be divided into judicial and political; or that the scope of the present Commission should be restricted purely to a judicial inquiry, and that before the community's appearance before it, the Government should grant the community's request in terms of Mr. Cachalia's letter, namely the 5 points: (1) the repeal of the £3 Tax; (2) the restoration of the Status of Indian Wives as it

existed before the Searle judgment; (3) the restoration of the right of South African-born Indians to enter the Cape; (4) the removal of the little difficulty that still exists with reference to the racial bar regarding the Orange Free State; and (5) the question of the just administration of existing laws with due regard to vested rights. The last three points could be dealt with administratively; the first two only by amending the legislation, and he had ventured to submit to General Smuts the easiest and the quickest way in which the matter could be dealt with. General Smuts has said that he would consider the matter, and after he had considered and conferred with the Cabinet, he said, in the presence of Mr. Andrews, that the Government were willing to grant these things, but wanted the Commission to sift them, and that they could not possibly, though they would have gladly met the community, meet them at that stage with reference to its propositions regarding the Commission.

Of course, that would create a dead-lock, and that meant either passive resistance and all that that meant, or it meant a suspension of passive resistance until the Government had had a chance until the Commission had had a chance, of doing what they proposed to do and he had no difficulty in coming to the conclusion after consultation always with Mr. Andrews, that the community could fairly suspend passive resistance, seeing that the Government had taken up what he considered, the reasonable attitude, and seeing also that the Government were prepared to understand and appreciate that the community was bound by its solemn obligation not to take part in the Commission, and not to resent that attitude on the part of the community and as against that he had suggested to General Smuts that, if the community suspended passive resistance, it was only fair that the Government should release the passive resistance prisoners then undergoing imprisonment. There then remained the very serious questions of the allegations of cruelty. What was to be done with regard to those if the community was not to lead evidence even with regard to the judicial aspect of the Commission, and yet it seemed clear that in the present circumstances they could not lead evidence. It then meant that they should publish a book containing the whole of the evidence in their possession, and challenge anybody who wished to bring libel proceedings against the community, so that in defending the charge, the community could prove the case. As a passive resister, it immediately occurred to him that there should be no difficulty in dropping those proceedings. That would avoid all irritation, and

in the estimation of those who might think for themselves and who knew the history of passive resistance, the community would stand justified. In any case, if the community could stand justified in the estimation of the Government and if the community could ask the Government to appreciate its motive in not challenging libel proceedings, he felt that the community could ignore what the world might say as to its being afraid now of coming to a court of law because it had really no evidence, and that it had simply taken allegations to India in order to work on feelings there. They must tolerate, such criticism from the world, for the world would have something to say against the best actions, but, if the Government appreciated the community's attitude, he felt, that, as passive resisters, it became them to act in that manner. They were not passive resisters of the purest type. They had, for example, taken advantage of law and defended actions in law courts; pure passive resisters would not have done that. But they had not yet reached the purest stage of passive resistance. They must, however, keep such an ideal actively before them, and, perhaps one day, they would have made such an approach to that stage that they would be considered perfect passive resisters. Till they had reached that stage, they could not call themselves perfect passive resisters, but they need not, therefore, remain stationary, and he had felt that they might take that step in advance, and he had come to the conclusion that, that was a proposition that might be submitted to the Government. The next effect of the letter written to him by the Government and their reply was, in his opinion, that they had accepted the principle of consultation, that they had recognised the motive of the community in dropping the question of the allegations altogether, that they recognised the community's motive in not leading evidence before the Commission, that they had given an assurance that they wished to settle the matter in accordance with the community's submission, and they wanted to do this through the Commission, but they felt that the community's demands were so reasonable and had been so sanctified and strengthened by the suffering that it had undergone, during the past months, that there should be no difficulty in securing the recommendations before the Commission. They felt, he thought, also confident because of the presence of Sir Benjamin Robertson and because of the prestige that was behind. Sir Benjamin Robertson, that he came not in his individual capacity, but as the representative of the Viceroy, that as such his testimony before the Commission was bound to carry its due weight. And under those circumstance they need not worry themselves, thinking.



or fearing what might happen; and why need a passive resister ever fear so long as he had the purest weapon in the world at his disposal? The future lay entirely in their own hands, and holding that future as firmly as ever, he had no hesitation in recommending the adoption of the agreement, and he hoped that the meeting would approve the action that they had taken. At the same time he had not bound the community. He had bound the community on occasions when he had gone with a clear mind and when he had known what the community had already asked for, but on this occasion a new situation had arisen, and for that situation he certainly required the ratification of the community. He could not possibly bind the community with reference to this matter which he had not himself contemplated. He had therefore stated to General Smuts that he was prepared to advise his countrymen in accordance with the tenor of his letter, but he had not bound his community, so that they were free agents entirely, and might dismiss the agreement from their minds if they wished, but he believed that they might accept it—it was perfectly honourable, dignified, and would save an amount of misery. What was more, they wanted, if they possibly could, to conciliate the Viceroy. He had said that Viceroy or no Viceroy, Mr. Gokhale or no Mr. Gokhale, no matter what friends or the world said, if their consciences did not approve, if their oath did not approve, they could not accept their views, but when it was possible for them to keep their oath, to satisfy their conscience, he thought that then they should go to the utmost length in meeting the wishes of their friends, and such a noble Viceroy, for whom, perhaps, there was no equal except perhaps Lord Ripon and Lord William Bentinck; and he did not know what the Viceroy might still have in store for them. But that was the picture one formed of the Viceroy, and that was strengthened by what Mr. Andrews had told him of his noble qualities. They ought to take into account the Viceroy's wishes at that stage, seeing that it was possible for them to do so without violating their oath. Their distinguished countryman, whom India had idolised, to whom they offered reverence, who, while lying on a sick bed, had yet worked for their cause and made it world-wide and had made India ring from end to end with that and nothing else—Mr. Gokhale—also desired it. Lord Ampthill also had been saying: "They had a noble cause, they were bound to win; let them now stay their hand: they had made sufficient demonstrations; they had roused the conscience of the United Kingdom; let them now even give their evidence under protest before the Commission." That view they

had been unable to accept, but they could accept the present arrangement. From every point of view, the agreement was good, dignified and worthy of acceptance.

Mr. Andrews said that he wished, first of all, to speak about the great sorrow which had come to him, but the love which he had for the people of India, his own people who were there, was so great that, he could not stay away from them and wanted to be with them. In connection with the visit to Pretoria, there were two things he wished to speak about specially and assure them on. The one thing was that in that agreement, and in all that had been done, and in all the interviews they had had, one thing had been kept throughout, and that was the honour of the Indian community. That had never, at any single point, been sacrificed to expediency, but all through from beginning to end, had ever been the first consideration. Otherwise, he would not be able to stand there before them, who had suffered so much, and speak to them. But because he knew that at Pretoria their honour had been kept throughout, he was ready to stand there before them and urge them and ask them to accept the agreement and to carry it out as it had been proposed before General Smuts, and he could assure them that in no point whatsoever in that agreement had there been any sacrifice of honour, or self-respect to any Indian in the whole of South Africa. The second point was that, whatever might have happened in times past, on the present occasion there was the greatest consideration shown to their leader by every one who met him there. In spite of the general strike which was on, in spite of the immense difficulties of finding time, General Smuts and others did their very best to give every opportunity for the grievances of the Indian community to be brought before them. It was for those two reasons—because their honour had been preserved and because such great earnestness had been shown by the Ministers at Pretoria—that he hoped that now a time had come when a settlement might be reached of the grievances which had so long been distressing the whole Indian community. He trusted that they would accept the proposed Commission freely and heartily, and that through accepting it something else might come, and that was a settlement of all their difficulties, and he trusted that that might come in a very short time.

#### MR. ANDREW'S FAREWELL TO NATAL

The following letter was addressed by Mr. C. F. Andrews to the 'Natal Mercury':—

On the eve of my departure from Natal, I encroach upon your columns to express the gratitude I feel for the kindness which my fellow-countrymen have shown me since I landed in Durban on January 1st. In spite of a very natural misunderstanding which arose, owing to my adopting an Indian custom of reverence and respect for Mr. Gandhi when I greeted him on the wharf, I have not felt (except, occasionally) that hostility which I had feared; while on the other hand, I have been met by the sincerest expressions of goodwill from those who were ready to believe that I had one object in view,—the object of peace.

Fortunately, that peace (at least in the form of a truce) has now been reached; and I would like to say that the correspondence, which was published between Mr. Smuts and Mr. Gandhi is really (as all such correspondence must be) a very poor and inadequate symbol of the actual change of spirit which has taken place. It is on the general improvement of the latter that I base any hopes I have of a settlement, not on the formal terms of an official correspondence. If bitter and provocative words can be avoided on both sides, there is now, I trust, a reasonable chance that the painful troubles which so disturbed and distressed the whole Colony a short while ago will not reappear. With the present condition of unsettlement through South Africa the removal of one source of danger by an honourable and generous settlement of long-standing grievances is surely an object for which all alike may strive.

I carefully refrained, while at Natal from offering any public opinion on the Indian grievances themselves, for I understand, even more clearly than when I landed a month ago, the great complexity of the Natal situation; especially I feel the difficulty of the Native question and its vital importance. And if I am tempted to write anything at all, when I return, concerning, what I have seen, I shall make it quite clear that I write as a theorist and student of history, not as a man of affairs. I have already expressed in England and India, through Reuter, how deeply I have been touched by the kindly hospitality of Natal; I shall try to say this more personally, both in England and in India, on my return journey.

I may perhaps be allowed to write briefly on two points, with regard to which I may claim to be heard on account of my long Indian experience. I trust that what I have to say will be read with care, as it may help to make things clear.

The first point is the impossibility of Indians going back as a community on a solemn oath once taken. From an intimate knowledge of Indian sentiment, I can assure the Europeans in Natal that the present attitude towards the commission is not one of contumacy much less one of fear; it is simply a question of religious honour. The Indians are the most religious people in the world; to me it would be inconceivable that they could play fast and loose as a community with a religious vow once taken. As sensible, practical men, of another religion and another race, we should not argue the point or impute wrong motives, but honour their tenacity of conscience, and meet it as far as possible. I am glad to see that this is on the whole what Mr. Smuts has done.

The second point is concerning what was understood in India about the £3 tax. Mr. Gokhale has been for many years my close personal friend. I have talked this whole question many times over with him. I saw with my own eyes all that happened on his return in 1911. I can, therefore, speak with authority. Mr. Gokhale fully and wholly believed that a mutual settlement had been reached. On the Indian side, he considered that he had made great momentous concessions. He agreed not to ask in South Africa for the political franchise for British Indians, and also not to ask for free immigration. These two things had been a part of his own political creed in the past. After what he saw in South Africa he deliberately abandoned them, and he asked in return for the abolition of the tax. He regarded the pledge as a pledge of honour on both sides, all the more binding because not given in writing. How faithfully Mr. Gokhale has kept his own word in this matter I myself can bear full witness. He had to face a storm of opposition at first because of the points he conceded, and he faced it. He was called a traitor for giving up political franchise but he stood firm to his promise. He never once went back on his pledged word to the Union Government, and by his own intense sincerity he has won the majority of thinking Indians round to his own opinions. The National Congress, it is true, has passed an academic resolution contrary to his wishes; Sir M. Bhownagree and Sir P. Mehta still remain conservative and reactionary. But on these two points of the franchise and immigration in Natal the bulk of educated Indians have been converted to sound and reasonable opinions by Mr. Gokhale alone.

I would not appeal to my fellow-countrymen in Natal by the argument of expediency, and urge that such a growth of sound and

reasonable opinion in India should not be flouted and driven back again to its old intractable position. I would rather appeal to honour and fair play. Indians still trust the Englishman to be true to his word. It is worse than the loss of a Kingdom when that word comes to be doubted. It appears to me, therefore, quite apart from the questionable advantage of the tax itself, that the direct honour of the Union Government and of Natal should be considered. At least, when Mr. Gokhale has done as much and incurred such odium, on account of his own part of the implied agreement we on our part should do our best to meet his attitude as generously as we can.

In conclusion, may I thank through your columns those who have so kindly expressed sympathy with me on the sudden death of my mother, whom I hoped to have seen in England on my way back to India. I trust, that through all the suffering that has occurred, in which I may now claim a part, a settlement will be reached honourable to Europeans and Indians alike.

## FAREWELL

### *An Editorial from "Indian Opinion"*

On Saturday last, Mr. C. F. Andrews left for England by the R. M. S. Briton, and to-morrow, Mr. W. W. Pearson returns to India by the S.S. "Unvolosi." Indians throughout South Africa will grieve to lose two such devoted friends who have endeared themselves to all with whom they had come into contact during their stay in this country. By their tact, good sense, ardent sympathy, and love for India and their own race, they have been able, in the short time that they have spent in this country, to grasp the Indian problem here more thoroughly than most of those who have spent a life-time in South Africa, and they have, we are sure, done much to bring about a better understanding between whites and Indians in the Union. They have given of the best that is in them for our sake; they carry with them the hearts of South African Indians, who wish them God speed in the work they are now to take up. The sway of the Indian wizard, Rabindranath Tagore, who has charmed the world and remained an Indian, is upon them both, and they will leave their impress upon the minds

and characters of the Young India that will, a decade or so hence, be moulding the national future of the Motherland. To them, who have brought to South Africa the message of peace we say:—  
Shanti! Shanti! Shanti!

### THE INDIAN RELIEF BILL

The following Bill, “ to make provision for the redress of certain grievances and the removal of certain disabilities of his Majesty’s Indian Subjects in the Union,” has just been published:—

Be it enacted by the King’s Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:

I. (1) The Minister of the Interior (hereinafter referred to as the Minister) may from time to time appoint priests of any Indian religion to be marriage officers with authority to solemnise the marriages of Indians in accordance with the rites and formularies of such religion.

(2) A marriage between two Indians solemnised in accordance with such rites and formularies by a marriage officer so appointed shall be a valid and binding marriage, and all the incidents shall follow therefrom which follow from any other union recognised in law as a valid and binding marriage.

(3) A marriage officer appointed under this section shall be under the same obligations of keeping registers and entering therein particulars of marriages solemnised by him as are imposed upon marriage officers appointed under any other law in force in the Province in which these marriages are solemnised and the provisions of any such law as to the custody and inspection of registers, the obtaining of copies thereof, the evidence of certified copies thereof, the loss, the destruction or the falsification of or injury to such registers or such certified copies shall be deemed to be incorporated in this section.

II. (1) If any Indian male or any Indian female upon a joint application to any marriage officer, (whether appointed under this act or any other law) satisfy such officer (a) that there existed at the commencement of this Act between them a union then recognised as a marriage under the tenets of an Indian religion which they profess; and (b) that there does not exist between either of them and any other person a union so recognised as a

marriage or any union recognised in law as a marriage; and (c) that each of them is desirous that the union should be regarded as a valid and binding marriage in law, such officer shall, upon being furnished with particulars, as to the full name, residence, place of birth and age of each party, and such further particulars as are prescribed by regulations made under this section, register such union in manner so described as a marriage between those parties. Notwithstanding that by the tenets of the religion which the parties profess, polygamous unions are approved or recognised, the said union shall by the fact of registration become, as from the date when it was contracted, a valid and binding marriage between the parties, and all the incidents shall follow therefrom which follow from any other union recognised in law as a valid and binding marriage, and the marriage shall be deemed to have taken place at the place where the union was, prior to the registration, contracted.

(2) The minister may make regulations as to the manner in which applications shall be made under this section, the keeping of registers for the purpose thereof, and the particulars to be entered in those registers. The provisions of the marriage laws in force in the Province in which unions are registered as marriages, so far as those relate to the custody and inspection of registers, the obtaining of copies thereof, or extracts therefrom, the evidence of certified copies thereof, the loss, destruction or falsification of, or injury to, those registers certified copies or extracts shall *mutatis mutandis* apply to registers kept under this section.

III. (1) From paragraph (g) of Section 5 of the Immigrants' Regulation Act, 1913 (Act No. 22 of 1913), the following words shall be deleted; that is to say, the words "including the wife or child of a lawful and a monogamous marriage duly celebrated according to the rites of any religious faith outside the Union."

(2) In the interpretation of that paragraph, as hereby amended "the wife" shall include any one woman between whom and the exempted person mentioned therein there exists a union recognised as a marriage under the tenets of an Indian religion, notwithstanding that by those tenets the union of that exempted person with other woman at the same time would also be recognised as a marriage; provided that no woman shall be deemed to be the wife of such exempted person, (a) if such a union exists between him and any other woman who resides in any Province;

(b) if such exempted person has in any Province offspring by any other woman who is still living; "the child under the age of 16" shall mean a child who is the offspring of the exempted person and the wife as herein defined.

IV. Nothing in the preceding sections in this Act shall be construed as repeating or in any manner modifying the provisions of Sections 65 to 89 inclusive of the Indian Immigration Law, 1891, of Natal (Law No. 25 of 1891), or Act No. 2 of 1907 of Natal.

V. Section 2 of the Indian Immigrants Amendment Act, 1895, is hereby amended by the addition to the end of that section of the words "if he applies therefor within 12 months after such expiry."

VI. The Minister may in his discretion cause to be provided out of moneys appropriated by Parliament for the purpose of a free passage from any port in the Union to any port in India (with or without free conveyance by rail to such first-mentioned port) for any Indian other than an Indian who is or may become entitled under Law No. 25 of 1891 (Natal), or may become entitled under Law No. 25 of 1891 (Natal), or any amendment thereof, to such free passage, who makes a written request for such free passage, and (a) signs as a condition of the grant of such request a statement that he abandons on behalf of himself and his wife and all minor children (if any) all rights possessed by him or them to enter or reside in any part of the Union, together with all rights incidental to his or their domicile therein; and (b) furnishes to an officer designated by the Minister such means of identification of such Indian and his wife and minor children (if any) as the Minister may prescribe. A condition so signed shall be conclusive evidence that such Indian and his wife and minor children (if any) have abandoned his or their rights to enter and reside in the Union, and rights incidental to his or their domicile therein.

VII. If in the administration of any law any question arises as to whether an Indian who produces a certificate of former residence or domicile in Natal is identical with an Indian to whom that certificate was granted under a prior law of Natal, then if a thumb impression on that certificate is identical with the thumb impression of the Indian who produces it, the certificate shall be conclusive evidence of such Indian's former residence or domicile in Natal.



VIII. The laws specified in the schedule to this Act are hereby repealed to the extent set out in the fourth column of that schedule, and those provisions of those laws which are hereby repealed shall, in so far as they have been extended to Zululand, cease to be in force therein.

No proceedings shall be taken to recover any moneys which may have become due from any Indian prior to the commencement of this Act under the provisions so repealed.

IX. This Act may be cited for all purposes as the Indian Relief Act, 1914.

The Schedule gives the following list of the sections to be repealed:—

Act No. 17 of 1895, the Indian Immigration Act, 1895, Section 6; Act No. 2 of 1903, to the Indian Immigration Amendment Act, 1895, the whole except Sections 1 and 4; Act No. 39 of 1905, to amend Act No. 17 of 1895, the whole; Act No. 19 of 1910, to amend the Indian Immigration Act, No. 17 of 1895 and Act No. 2 of 1903, Sections 1 and 3.

### *Reference*

Paragraph (g) of Section 5 of the Immigrants' Regulation Act, 1913, reads:—Any person who is proved to the satisfaction of an Immigration Officer or, in case of an 'appeal, to the satisfaction of the board, to be the wife, or the child under the age of 16 years of any person exempted by paragraph (f) of this section, including the wife or child of a lawful and monogamous marriage duly celebrated according to the rites of any religious faith outside the Union

Sections 65 to 89 of Law 25, 1891, provide for the marriage and divorce of indentured Indians.

Act 2 of 1907 (Natal) provides for the regulation of existing marriages by the Protector.

Section 6 of Act 17 of 1895 provides for the annual licence desiring to return to India on the expiry of the first or any subsequent period of his service under any contract of indenture or

re-indenture entered into under the laws for the time being in force shall be provided by the Indian Immigration Trust Board with a free passage to India.

Section 6 of Act 17 of 1895 provides for the annual licence of £3 to be taken out by those who fail to return to India.

Section 1 of Act 2 of 1903 makes Act 17 of 1895 apply to the children of Indian Immigrants. Section 4 enables a child to receive a free passage to India at the end of the term of indenture of his father or mother.

Act 39 of 1905 provides for the method of payment of the licence, etc.

Section 1 of Act 19 of 1910 allows a Magistrate to relieve Indian women from payment of the license money upon grounds of ill health, old age, or for other just cause. Section 3 provides for the suspension of payment of arrears during the period of re-indenture or contract of service.

### THE RELIEF BILL

The long expected Indian Bill has now been published—It is a simple and short measure and seems to carry out the recommendations of the Indian Commission in so far as legislative action is necessary. The Bill removes the marriage difficulty and restores the status as it existed before the Searle judgment. It repeals the £3 tax and remits the unpaid arrears. Lastly, it validates Natal certificates of domicile, if the owner can establish his identity with the certificate by proving that the thumb impression on it is his own. There is another clause in the Bill with which the community is not concerned. It is the clause which enables the Government to give a free passage to any Indian not otherwise provided for, if he renounces for himself and his family, all claim to domicile in Natal or any other province of the Union.

There are certain alterations necessary in the Bill. It will be a proper thing to use for validating future unions the machinery provided in the Bill for validating existing unions. Amendment will also be necessary for protecting the children of deceased wives, where such wives, if alive, could have been recognised under the present Bill.

Assuming that the Bill with the suggested alterations becomes law, there will still remain the other matters recommended by the Commission and the matters covered by Mr. Cachalias' and Mr. Gandhi's letters. These require administrative treatment and include the Free State question the Cape entry and the administration of existing laws. If satisfactory assurances are issued in connection with them, the struggle that has gone on for years, and that has meant enormous losses and sufferings to the community, may be said to have fitly and honourably closed.—*"The Indian Opinion,"* 3rd June, 1924.

## INDIANS RELIEF BILL

(*Second Reading*)

The Minister of Finance moved, the second reading of the Indians Relief Bill. He requested the members to approach such a thorny and difficult question in a non-controversial spirit. The House were now in a position to finally settle the Indian problem on a satisfactory basis, the recommendations of the Solomon Commission, which inquired into the grievances of Indians, having been accepted as a solution by the Indian Government, and also with one exception, by the Indian community residing here. He recalled the passing of the Immigration Act last session, and the agitation which followed it. Mr. Gandhi raised four points, on two of which it was possible for the Government to meet him. There were two other points on which it was impossible for the Government immediately after the session to meet the community's views.

One was the right of entry of the South African born Indian into the Cape Province. In the Immigration Act of last year provision had been made that Indians entering the Cape Province should be required to comply with a dictation test, and Mr. Gandhi desired that this restriction should be removed. The Government, however, pointed out that the point had been fully discussed during the debates on the Bill, and that the strongest exception had been taken to the removal of the restriction, which revived the restriction under old Cape laws. The second question was the marriage question. In the Immigration Act of last year a clause had been adopted on the motion of the Honorable member for Cape Town. Mr. Alexander, permitting the entry of a wife married according to

polygamous rites, though the marriage was defacto monogamous. The Natal Division of the Supreme Court had however, decided that it was not possible to recognise as legal a marriage celebrated according to polygamous rites. Administratively in the past there had been no difficulty in the matter.

Mr. P Duncan (Fordsburg): Then why did they raise the question?

The Minister of the Interior said that if he were to answer that question it would take a very long time, and he did not think it was necessary to do so. It was a case that had presented some very extraordinary features. When it became clear that the Government could not satisfy the Indian community on these points the question of the £3 licence was raised. He did not intend to go in detail into that question, but he would say that it was impossible for the Government, when threatened with a strike to make any concessions at all. Then followed a great deal of bloodshed and violence in suppressing the strike, and subsequently the Solomon Commission was appointed. It was assisted in its labours by a representative of the Indian Government, Sir Benjamin Robertson, whose services had been, as he could say from personal knowledge, of the very greatest value to the Commission. He had smoothed its work considerably and had thrown light on many difficult questions. The Commission, it would seem, had made fourteen recommendations. Most of these required merely administrative action, and here he would say that it was the intention of the Government to carry out the Commission's recommendations in their entirety partly by legislation and partly by administration; and in this way to secure that peace which they were all longing for, that peace which was not merely of such importance to South Africa itself, but also to South Africa in her external relations. (Cheers.)

The Minister then went into minute details concerning the merits question.

This left one other point, and that was the abolition of £3 tax in Natal. He did not intend to cover the whole history of the tax. Honorable Members knew that this system of coolie labour was introduced many years ago. As the number of the Indians increased, it became a matter of concern as to what steps should be taken to get some of these people back to India. In 1893 a mission went from Natal to India, and the result was found in the law passed

in 1895—the law they were now concerned with. Indentured coolies, after they had finished their term of service and who did not wish to return to India, could stay in Natal after paying a £3 licence. From the very start the law did not promise to be a success, and after 5 years another mission was sent to India to see whether it was not possible that the indentures should expire in India. The mission did not meet with success, and no change was made. The Indians claim that this tax should be abolished, and this was one of the questions, the Solomon Commission went into. The Commission came to the conclusion that the claims of the Indians were fair and just and politic, and recommended the repeal of clause 6 of the Act of 1895. This course was adopted in the Bill. The Commission pointed out that the tax was only payable by a small portion of the Indian population. The Commission pointed out that 11,000 males were at present liable to the tax and about 21,000 were still under indenture or had been re-indentured. The Commission also pointed out that the Indian population was much larger, and that the people liable to the tax were the least able to bear the burden. When everybody paid a capitation tax such was easy to collect, but where only a small portion of a population paid, it became extremely difficult, because they could only collect through the machinery of the police. When a policeman wanted to make out that a man was liable to the tax, he must prove that he came to Natal after 1895, which was most difficult, and also that he did not come there as a free man, which was also very difficult.

From the very beginning this tax had been avoided in a wholesale fashion, and in 1905 the Natal Government passed a law by which no employer could accept the service of any of these people without making certain that they had paid the tax. That law had been on the Statute Book for some years, but had never been carried out. Just as it was difficult to collect the tax from the Indians, it was found just as difficult, to collect it by means of this amending law. The Commission pointed out that the position had become very serious indeed, because these people in order to avoid the tax, wandered from place to place. The Commission advanced other arguments that told against the tax, and finally came to the conclusion that the tax should be abolished. The Minister pointed out that the evidence as to whether the tax had the effect of inducing these people to return to India, had been very conflicting, and the commission was not satisfied that the tax had had any effect in

inducing the coolies to return to India. The Commission suggested that the best course would be to repeal section 6 of the Act of 1895, and the Minister pointed out that the result under this Bill would be that no other alteration was made in the status of Indians in Natal. Clause 6 gave power to the Government to give free passages to any Indians willing to return to India, and renounce their rights of residence in South Africa. The object of the Government was to assist, in every way possible, to induce them to leave the country and go back to India. He appealed to Honorable Members, especially those from Natal, to assist the Government in getting the Bill through this session. They had a unique opportunity of dealing with this troublesome question. It was a point which affected the whole of the British Empire, and he was sorry to say that it was taking another form in one of the British Dominions. They had reached a stage after a long struggle when they could bring the whole matter to a conclusion, and he would ask members, especially members from Natal, to assist the Government on this occasion and remove one of the most dangerous elements that at present beset them.

The Prime Minister said that he just wished to clear up one or two points which had been raised in the course of this debate. It was unnecessary for him to enter into the details and the merits of this measure which had been made quite clear by the Minister of the Interior. It seemed to him however, that a large number of Honorable Members did not quite understand the objects of this measure. The Honorable Member for Rouxville for instance, had referred to one section of the Indian community, whereas the Bill with an altogether different section. He (the Hon. Member for Rouxville) had referred to that section which was quite free and lived in various parts of the country. The Bill now before the House had absolutely nothing to do with these people. They were in the country, and remained whether the Bill was passed or not. (Hear, hear.) The class which had vested rights could not be interfered with in any way. The Bill only dealt with these people who to-day were not here as free men—they were indentured labourers, the poorest class of all.

An Hon. Member:—Yes, and the very worst too. The Prime Minister said that he trusted that the House would deal with the Bill and the principles involved therein earnestly and seriously. The principles concerned were by no means superficial. He well re-

membered how from the very first they had experienced difficulties in the Transvaal concerning the Indian question. It had been quite impossible for any Parliament to say in an off-hand manner, "Put all these people out of the country, we do not want them here." Only by paying millions of pounds in compensation could they have done anything like that, and even then the matter would not have been settled. In these circumstances he wished to appeal to members to deal with this Bill from the point of higher statesmanship than what they desired and than what their own personal wishes were. He knew that in South Africa there was a great and strong feeling of prejudice against the Indians, but he also knew that the people of South Africa would believe him when he said that he always had done his utmost to keep these Indians out of the country. (Hear, hear.) Nor did he rise in the House to embrace these people.

But whatever they did whatever their feelings were, they must be just and fair towards the Indians. When the Government came to this House with a Bill such as the present one, it should be understood that the Government had gone into the matters involved most carefully, and had given all these matters its serious and careful consideration. The Government was responsible to the House and to the people for the measure it introduced, and he trusted that the House would regard this Bill from that point of view. (Hear, hear.) What had been most disappointing to him was to have listened to the speeches of Hon. Members representing Natal on both sides of the House. It was regrettable that these Hon. Members did not feel the matter so seriously when they introduced the Indians into South Africa. (Hear, hear.) If they had felt their responsibilities so keenly at the time they would have consulted the rest of South Africa, and to-day the Country would not have been faced with all these difficulties (cheers.) But if to-day Hon. Members realise these difficulties so acutely, then they should not forget that these difficulties were entirely the creation of the people of Natal (Hear, hear.) Unfortunately, these Indians had not remained in Natal only, and to-day these people were found in other parts of the country as well. It was unpleasant having to say this, but it had to be done. (Hear, hear.) But they had to do what was right and fair towards South Africa. Whatever their prejudice against the Indians, he (General Botha) quite agreed with Mr. Merriman that it was their duty in this House as a Parliament and a Government, to work for peace, justice

and fairness (Cheers.) They had to deal with the people who were not represented in this House, and whose presence in this country was due to the action of the people of Natal. Therefore he hoped that Hon. Members from Natal would help South Africa out of the difficulty in which it had been placed. And this they could do by supporting the Bill now before the House. (Cheers.) He knew the Hon. Member for Blaomfontein (Sir Aubey Woolls Sampson) was a rough rider, and he trusted that his rough-riding would now be in the interest of justice and fairness (cheers)—and he was sure that if the Hon. Member carefully thought over the matter he would give the Bill his support. After all they had seen and gone through in this country, the Prime Minister went on, it must be quite clear that this House had to take the responsibility to deal with matters as they were to-day—(Hear, hear)—and they should not introduce legislation with a view to what was good for them only. They no longer stood by themselves in four separate Provinces, and it was because they had to consider a greater cause that they should see to it that, especially in this matter, they did not go in the wrong direction. They must be careful lest they made their difficulties more acute than they were to-day, and more serious than they could become if this Bill were passed. (Cheers.)

He regretted the attitude taken by some Hon. Members, who had coupled the native question with this Indian problem. They had no right to do so. (Hear, hear.) When they dealt with native questions, they dealt with native questions pure and simple, and they had to deal with the Indian problem in the same spirit and on its own merits. (Cheers.) It was useless dragging in this native argument, because he wished to say emphatically that if there were one subject of which they had every right to be proud it was this, that they, as a small minority, had always easily governed the large native majority in South Africa. (Loud Cheers.) He would like to ask Hon. Members whether they had heard of a native refusing to pay his taxes? The collector went round, and the natives came along of their own free-will and paid their taxes. He wondered whether any tax collector would have such an easy task if sent to a farming community to collect taxes? (Laughter.) He held that instead of this question having been dragged in the way it had been done, this country had cause for gratification at the obedience to the law always displayed by the native population. (Loud Cheers.) One Mon. Member had



stated, the Prime Minister went on that the effect of this Bill would be that a large number of Indians would settle in the Free State. The Hon. Member, however, was mistaken, because the Bill did not deal with the general aspect at all. Under this measure no such rights were given. Hon. Members should be extremely careful in their statements lest they should spread wrong impressions among the people. The Indians who were in Natal today could not go to the Transvaal, or to the Free State. This question had been fully dealt with in the Immigration Regulation Bill of last year. The Members should be careful not to spread the impression that this House was now engaged in passing legislation giving the Indians the right to go any where they pleased. This measure to a certain extent only gave a definition. (Hear, hear.) It was under the Act of last year that the women and children had come in. The matter now before the House was a most important one, and was one bristling with difficulties, but they in this House should see to it, and should see to it carefully, that the question was put right.

It was for that reason, that he appealed to the House to deal with the subject on its merits and he trusted that this House would see the Government was bound to pass this measure. "We have introduced this Bill (said the Prime Minister), and we must stand by it, and I cannot see how we can possibly drop it. Therefore, I want to appeal to the House to assist us in getting this Bill on the Statute Book. I know the subject is an extremely thorny one, but to any one giving the matter his serious attention it must become clear that the way proposed in the Bill is the only way to solve the difficulties." (Hear, hear) Proceeding, General Botha referred to the amendment of the Hon. Member for Victoria County, (Mr. Henwood). The Hon. Member was in favour of getting this question referred to a referendum in Natal. But he (Prime Minister) asked, did not Natal, have this referendum, when by a majority it was decided to introduce the coolies? (Hear, hear.) It was essential that a solution be arrived at. They could not have any more strikes or upheavals in Natal such as they had had. It was impossible and impracticable to keep a standing command there. Probably this Bill did not solve the matter in the way many Hon. Members desired to see it settled, but he (the speaker), held that it was the only proper solution. The question of the country losing revenue under this Bill had also been raised. To his (the speaker's) mind, it had always been difficult to reconcile a policy under which one section of the community was taxed

differently to another section in the way this had been done, in Natal. In conclusion, the Prime Minister said he hoped that the Hon. Member for Victoria County could realise that his amendment was impossible, as this was a question for which the Union Government had to assume responsibility. What was to be the result of the increase in the Indian population? The Prime Minister said that they must keep Natal Indians in Natal, but that was impossible they would force their way into other provinces in due course. The time would come when there would be no room for more Indians in Natal, unless the whites moved out to make room for them. They would not confine themselves to working on the plantations and sugar factories, they were being better educated and had higher ambitions. They would only stay at the labour for which they were originally introduced long enough to enable them to start in some other business. They were not fond of the work for which the Indians were originally introduced. The sons of the indentured Indians were looking for something on a higher plane. How were they going to get their desire, the only way he could see was for the white people to make room for them by going out.

It was not merely a question of whether an injustice was being done in connection with that £3 tax; it was a question of the future of Natal. It has been said that there would be peace if that Bill were passed, but if the Minister of Finance thought that there would be peace by giving in to demands of the Indians in that respect he would subsequently find that he was quite wrong. That stated, the Prime Minister went on, that the effect of this Bill was only a part of the programme of the demands of the Indians. The Hon. member went on to refer to the petition of the Indians to Lord Crewe, in connection with which he said there were gross slanders regarding alleged ill-treatment and degradation of the Indians by the people of Natal. Those slanders were telegraphed all over the British Empire and appeared in newspapers in all parts of the world. But they had not the courage to come forward and substantiate a single item of those charges. The agitation for the repeal of the £3 tax did not originate in Natal, but in India, and the people in the country were being made tools of to carry on the agitation. In the petition they asked that Indians throughout the Empire should have rights of citizenship. That meant that here in this country every Indian should have the same rights and privileges as the white people, and if that House granted them the

little point in that Bill it would encourage them to make further demands. They could easily afford to pay the £3 tax. The question before the House was an important one to Natal, and the opinion of Natal should be taken on the matter before the House passed such a measure.

Mr. W. F. Clayton (Zululand) said he was on the horns of a dilemma. If the Minister had divided the Bill into two parts he could have satisfied his conscience. He was quite willing to agree to the first part of the Bill which endeavoured to remove disabilities from those Indians who were free to live within the borders of the Union, but not to the proposition that they should do an injustice to a large and important part of the community the white population of Natal. When they considered such an important subject as that before the house they should consider it on broad lines and try to place themselves in the position of those who were under a disability in the matter. The Hon. Member for Victoria County had briefly sketched the incidents leading to the position of affairs at the present time; he (Mr. Clayton) wanted to say that the Indians in Natal might be roughly divided into three classes. The first, the Asiatic, or as he was sometimes called, the Arab, was a man who came there of his own accord to trade with the native population, and who had since taken away the whole of the small white's store-keeping trade in the country and much of the native trade. That class was strongly represented in the Peninsula here. The second class, the majority of the Indian population in Natal, were free to leave or go where they liked in the Province or engage themselves in any pursuit they pleased. As a matter of fact they were entering into a wider sphere of occupation than would have been believed to be possible when they came into the country. The third class came under the operation of Act 17 of 1895, and upon them was laid the burden of either going back to India, or re-indenturing and thus remaining outside of colonisation, and were called upon to pay the £3 per annum tax.

He hoped Hon. Members would not confuse these classes when dealing with the question. He maintained that on the main body of Indians in Natal this £3 tax which it was now proposed should be removed, constituted no burden, but on that portion only which had come out knowing full well that unless they re-indentured themselves, or returned to India they would have to pay that tax. He would like the house to consider the grounds upon which the Commission based their reasons for removing the tax. They recom-

mended it for two reasons, the first was that the Act was inoperative; another was that the tax was imposed upon a minority which would be placed in a worse position than those who had come into Natal within recent times. With regard to the first objection, he had figures to show that the tax accomplished what it was intended to do. The Act was passed in 1895 owing to the fact that certain Indians were there not indentured, and as the tax was not made retrospective it became operative in 1901. It would then be seen that the Act, as soon as it came into force, had an immediate effect. The figures of those returning to India in 1895, were 415; in 1896, 296; in 1897, 418; in 1898, 188; in 1899, 503; in 1900, 448; in 1901, 639. Then the Act came into force in 1902, when 1,482 returned to India, thus showing the effect which that tax had upon the Indians who had served their term of indenture. In 1903, the number was 2,020; in 1904, 1,672; in 1905, 2,078; in 1906, 3,939; in 1907, 3,484; and in the following year according to the evidence before the Commission, out of 7,735 who had completed their indentures, 3,989 returned to India, those who were left, of course, taking up their licences. In 1909 the number rose to 4,985. Who, he asked, would say the tax was inoperative? Rather, had it not served the purpose for which it was imposed? The true reason was that the tax had not been collected of late. If that had properly been done there was no doubt but that the same proportion of Indians would have left Natal as in the previous years. He thought that disposed of the first reason given by the Commission for the abolition of the tax. In regard to the other point, that the tax was placed on a small portion of the Indian population, the question might be asked: Why was it placed upon the small proportion and was it not injustice done to that minority? They found that these Indians had been taking up occupations in the country instead of returning to India.

Mr. P. Duncan (Fordsburg): Why didn't you stop bringing them in?

Mr. Clayton continuing, said that a deputation went to India prior to 1895 to make representations to the Indian Government with regard to the return of its subjects. The idea was that men should either work or go back and not settle down in Natal. Nothing, however, came of the deputation, and in 1895 the Act was passed. The Natal Government, however, did not wish to do an injustice to those who had been in Natal prior to the passing of the Act, and these were allowed to remain without any disabilities,

because they had been called to Natal; but thence forward the Government was resolved that those who came should be placed under the disability of paying the tax, and there was no doubt that there people knew perfectly well under what conditions they came to this country. Personally, he might say of all those who had passed through his employ he had never heard a man dispute the terms of his contract. (Hear, hear.) He did not think any Indian desired to remain in the country but that he looked forward to the time when he would go back to India, and in asking that the tax should be removed an act of injustice was being done to Natal. There was a very strong feeling in the northern parts of Natal, that the country should not be over run by Indians. At a recent agricultural conference two resolutions were passed. The first related to the undesirability of having a permanent Indian population and the second to the desirability of retaining the present tax of £3. per head.

During the existence of the Indian strike he (Mr. Clayton), had heard natives working in his own fields saying that if they could not get what they wanted they would have to strike as the Indians had done. The lesson of the Rand strike, followed by the Indian strike, would make it strange if on some other questions there might not be passive resistance on the part of the native population. That was a fear which had been expressed and made by public men in Natal, and that was what had passed in his own mind when he thought of their passing such a Bill as that. The Bill was going to be final, and would be a sort of stepping stone to civil equality and the franchise. It might be contended that Natal was to blame for having brought these Indians to South Africa. In 1914, when the second importation had been instituted, it was on account of the drifting away of their native labour to the diamond fields of the Cape. Since then they had had the drifting of their native population to the gold fields of the Union. If they (the Natal people) had been selfish, it had been for their own preservation and to do something for their living and for their work. The question had been raised about these Indians being British subjects. How would that view be dealt with, he asked, if they were to send 100,000 of their native subjects to live in India, free to do what, and go where, they pleased? The desire not to embarrass the British Government at the present time was a point which appealed to him, but in reply to the right Hon. Member for Victoria West (Mr. Merriman) he would say, suppose that a thousand Indians were

shipped and arrived at the Cape. Would the Hon. Member say that they would receive them with open arms and make them their fellow subjects? In Natal they had gone into the mire and they did not want to go deeper into it. They did not want a proposition that would make them sink deeper into the mire. Referring to what the Prime Minister had said, the Hon. Member said that as an employer of Indians and as one who came into contact with very many employers of Indians, effect had been given to the law and the Protector of Indians had insisted over and over again that they should provide for the payment of the arrears of the £3 licence by instalments. Every endeavour had been made to see that the law was brought into operation. No man was going to run his head into a noose for the sake of a few men who had not paid the licence. The case had been prejudiced, as he had said by the non-collection of the licences in the past, in the days since Union. As to what the Hon. Member for Weneen (Mr. Meyler) had said about waxing fat on Indian labour, the Hon. Member for Victoria County (Mr. Henwood) had never, so far as he knew, had an Indian under his employ, so that it could not be said that the Hon. Member waxed fat on Indian labour nor could it be said of the other Hon. Members to whom he (Mr. Meyler) had alluded. Continuing, Mr. Clayton said that they believed that they represented public opinion in Natal on that matter, and that the colonists of Natal were opposed to the continuance of the Indians within the borders of Natal as colonists. The Hon. Member for Germiston (Mr. Chaplin) had enquired what was the use of keeping that on. It was costing the employers of Natal just as much having that indentured labour as if these men were free men, but the difference was that if they became free men they might not return, but settle on the land. That was the purpose of the tax, and a man must return after he had served his period. He knew that the Immigration Board had sent a telegram that they agreed to the abolition of the £3 licence for the purpose of not embarrassing the British Government. Their first duty in South Africa, said the Hon. Member, was to themselves—(Ministerial cheers)—and they had a right to protect themselves, so that those who came into the country knowing that they would have to pay, and were now serving out their periods of indenture, might finish their time and might be compelled to carry out the terms of their contract under which they had come to South Africa. Knowing how the unenlightened Native and Indian would regard that measure as yielding to force, he must oppose its second reading.

Mr. C. G. Fichardt (Ladybrand) said he could not understand why that coolie tax had not been collected, and if there was law which required that the tax should be paid; it seemed that there was something wrong because that tax had not been collected, and the Minister of Finance, in his speech had not made it clear why that tax had not been collected. If the Law had not to be carried out in regard to Asiatics in Natal, it was no use passing another law if it would simply lead to another evasion. He asked if the Minister of Finance would allow them to escape the Income Tax if they wandered about in the country—because the Asiatics did not pay their tax because it was said they wandered about. The native poll tax, the Hon. Member went on to say, was collected through the country, and it seemed to him that there were other reasons for the non-collection of that tax on coolies than the reason that it was difficult to collect. Instead of imposing further disabilities on the Asiatics they were now removing disabilities and making it easier for Indians in that country. The Hon. Member proceeded to quote from the evidence given by Mr. Dick before the Indian Commission as to how Indians evaded and circumvented the immigration regulation. It did seem to him, said the Hon. Member, that instead of relaxing the laws they should be strengthened. The Asiatic question was such a serious one in South Africa that they could not, and dare not, trifle with it. The other dominions had taken steps to keep the Asiatics out of their country, and these dominions had nothing like the difficult problem which they had in South Africa in connection with the coloured question. It had been shown over and over again how when Europeans and Asiatics came together the Europeans went invariably to the wall. As to what the Hon. Member for Durban, Berea (Mr. Henderson) had said about the Orange Free State sitting still, he would find the Orange Free State with him to a man in preventing the entry of any more Indians to South Africa. The Orange Free State was at present being invaded by Asiatics from Natal as the Hon. Member for Ficksburgh (Mr. Kayter) could bear out. The Hon. Member (Mr. Henderson) might rely upon the support of the people of the Orange Free State in regard to restrictions against the Asiatics entering that country. Dealing with the position of Natal, the Hon. Member said that if Natal had made a mistake in the past and Natal had seen that it was a mistake, South Africa should see what could be done to deal with that very important evil which existed in Natal. Continuing he said that the removal of the disabilities would be an encouragement to Indians of all classes to stay

in South Africa, and he thought that they should not complicate their problems by the importation of more colour to South Africa. A gentleman whose opinion was valuable, told him that in time the Free State would be overrun by coolies, and he asked his friends not only to fight for the purpose of keeping the coolies out of the Free State, but to fight so that more might not enter South Africa. Messrs. Gandhi and company had told them that this £3 tax business was merely the beginning, and that what they were aiming at was equality with the white man and for the franchise. He read an interview which had taken place with Mr. Polak, who said that they wanted the assurance from the Minister that the Immigration Act would be sympathetically administered. He also said that the acceptance of the Bill did not mean the abrogation of the claim to civil equality in South Africa. He thought that the members from the Free State were opposed to any lightening of the burdens on Asiatics.

As a convinced opponent of the admission of Asiatics into South Africa, he would oppose any loosening of the bonds. Instead of sitting there and considering the question of removing disabilities on Asiatics in South Africa, they ought to be considering legislation which would repatriate all these Asiatics that we had in this country. He would vote against this Bill, because he believed that in removing these disabilities they were opening the door further to the admission of Asiatics into South Africa.

Mr. F. H. P. Creswell (Jeppe) said that the Hon. member for Pieter-Maritzburg, North knew as well as he (Creswell) did that this was the only stage at which it was competent for them to move an amendment indicating their objection to the Government measure, on the ground there was no provision for expenditure in a certain direction which they believed absolutely necessary to make the policy of this Bill efficient. It was perfectly open to the Minister in committee to propose an amendment to strength Clause 6 by offering distinct monetary inducement to any Indians who were prepared to emigrate back to their own country. With regard to the second point, about which Mr. Speaker had some doubt, the question of the importation of further indentured labour, they anticipated, approving as they did in the main of this Bill, that the main effect of the abolition of the £3 tax was going to be a distinct blow at the Indentured Indian Labour system. The effect would be that the planters, if they wished to retain their Indians, would probably have to pay them higher wages. They knew that influences would be brought



to bear on the Government, to which the Government would always find itself amendable to depart from their present stated policy of refusing to allow any further indentured supply to supplement the supply of labour, which would be found to be running short. In two years, time they might have pressure brought to bear on the Government to cause some other experiment to be tried. They on the cross benches did not want one form of indentured labour to be superseded by another; what they did want was that the Government should recognise that the difficulty was of our own causing, and that we must spend money to induce as many Indians as possible to return. Then, no longer under the fear of a continually advancing tide of Indian population, but with the stream flowing the other way, we should be able to deal with the whole matter in a calmer and wiser spirit.

Mr. J. G. Keyter (Ficksburg) said to him it appeared that there was no hardship in the contracts signed by the Indians. But now it seemed that the Indians wished this House to alter the contracts which they themselves had entered into. After having concluded the indentures they had to submit to a certain pass, for which they had to pay £3. There were no real grievances. What were called grievances were what the Indians were told by agitators like Gandhi & Co. If the collection of the tax was difficult, where the Magistrate had to hand out the pass to the Indians for which he was paid £3 then he wondered how other taxes were to be collected. Surely, the Magistrate had a list of those people, and if they did not pay, there was the police. If the tax was not collected, why then was it not? How could, in these circumstances, the Government complain of lack of Revenue? How did Gandhi, Polak & Co., know of this Bill, he asked, even before this House knew anything about it? He disagreed with the statement of the Hon. member for Ladybrand that Indians still entered the Free State. Since the passage of last years' Act, he wished to say, to the credit of the Minister of Finance, that no Indians had entered the Free State. (Hear, Hear) He quoted the case of an Indian who had been sent back from Ficksburg to Cradock. It was simply a matter of Administration, and he wished to tell Mr. Gandhi that if he with his followers entered the Free State he would quickly be thrown over the borders. In conclusion, Mr. Keyter said that he could not vote for this Bill, and that he did not see any necessity to impose fresh taxation, seeing that such a large source of Revenue was neglected and ignored

The Minister of the Interior (General Smuts) in replying on the debate, said he had heard many arguments in the course of the debate, but very few indeed against that Bill. The whole force of the arguments had been directed against the policy—the fatal, suicidal policy adopted by the Natal people many, many years ago. That policy had been condemned there more strongly by the Natal members than by members from any other part of the Union. If Natal had made a mistake many years ago and had been trying to undo that mistake by trying to pass impossible legislation, that did not absolve them from doing their duty. They found that it was possible to-day to arrive at a solution—the subject was a difficult one, and the matter had cost a great deal of trouble already, but to-day they thought they could come to some finally. Hon. Members asked what reason had he or the Government for supposing that some finality might be reached in the matter. Well, they had heard from the Government of India that they were satisfied with the report of that Commission, and that if that report were passed they would look upon it, from their point of view, as satisfactory. If the people of that country could come to some solution which could be approved of by the Government of England, as it had been approved of by the Government of India, they had gone a long way towards the solution of the difficulty. It was said would the Indians accept it? The Hon. Minister went on to quote from an article in “Indian Opinion” of June 3, where the Bill was referred to, and other administrative actions which had been taken in terms of the report of the Commission. The article wound up by saying that the struggle that had gone on for years, and had meant enormous losses and suffering to the community, might be said to be honourably closed.

He thought therefore that they might assume, whatever might lie in the distant future, that if that Bill were passed, and the Government carried into effect the other recommendations of the Commission, then they might assume that they would have peace. The Hon. Member for Greyville had moved an amendment, the object of which was to go a good deal further. He (the Minister) thought the Hon. member wanted more effective steps taken to see the Indians in this country repatriated, and no further Indian labour brought here. To the last point no assurance was necessary, unless something quite unforeseen happened no indentured Indian labour would come into South Africa again. With regard to the other point, to secure repatriation he might say that the Government would go a long way to secure that point of view. From what he had heard, it

was the universal opinion, not only of the people of South Africa, but also of the people of Natal, who three years ago sent a deputation to beg on its knees that the embargo should be removed, and more Indians brought into Natal. He could assure Hon. Members from Natal that the Government would do all in its power to get Natal out of the mire. They were at a very late stage of the session, and they were determined to get the Bill through. If they over-loaded this Bill with repatriation provisions they would cause trouble. Let them deal with that matter separately, and on its merits. The Government would favour a policy of that kind, and go a long way to see it carried out. He hoped that the Hon. Members on the cross-benches would not therefore shelter themselves behind this amendment, because the Bill went a long way in the direction they desired. He thought the Government was proposing to take the right course, and he hoped the House would stand loyally by the Government.

Mr. Speaker put the question that all the words after "that," proposed to be omitted from the original motion for the Second Reading of the Bill, stand part of the motion, and declared that the "Ayes" had it.

Mr. C. A. Van Niekerk (Boshof) called for a division, which was taken with the following result:

Ayes	..	..	60
Noes	..	..	24
Majority for the motion			36

It was therefore decided that the words should stand.

The following voted in the minority: Messrs. Clayton, Myburgh, Keyter, Henwood, Henderson, D. H. W. Wessels, Maginess, Haggart, Andrews, H. P. Sampson, Cresswell, Madeely, E. N. Grobler, Fawens, Wools-Sampson, Lenchars, Fichardi, H. P. Serfontein, H. W. Serfontein, J. H. B. Wessels, Van Niekerk, P. G. W. Grobler, Wilcocks, and Boydell

#### SENATOR MARSHALL CAMPBELL'S SPEECH.

Senator Marshall Campbell said that he rose with very great pleasure to support the Bill. He had always looked upon the treatment of Indians as very cruel and unjust as regards that special

licence upon them. It had been a mistake to get them into Natal. (Hear, hear). It was a very great mistake. The Imperial, Colonial and Indian Governments had come to an agreement on each occasion, but as time went on it had been found that the agreement did not work as it should, and they had now come to a time when they must very seriously look into the matter. It seemed to him so unjust that a very small section of the Indian community in Natal should be specially taxed who were more industrious and useful, and produced more than all the other Indians put together; and to put a tax on these people seemed to him to be totally unfair. One section of the community—the planters, looked upon the licence with the greatest pleasure because they anticipated that the men would be forced to reindenture; and they all knew that an indentured man was more valuable than the free man, just as a slave was more valuable than an indentured man. The law was bad because there had been no machinery for collecting the licence. A timid man would pay the license, and another would not, and the Government servants would have money deducted from their wages. He did not think that more than 6 or 7 per cent. of the Indians from whom the money was due had paid the licence. If an Indian had a grudge against another he would say that the man had not paid his licence. There were no means of collecting the money, and if an Indian did not pay it, he could be committed for contempt of Court. He said that it was a mistake to have brought these men to Natal, but having done so they must treat them fairly. (Hear, hear). These Indian traders about whom they heard so much had been encouraged by large merchants and bankers. He had asked a Banker once whether a certain Indian was reliable, and the reply was that he had an over-draft of £41,000. (Laughter). Senator Cambel proceeding said that these traders had been given every credit and had paid for goods which they obtained from merchants in Durban and Maritzburg; but later, when they had started importing themselves from England and the Continent, the cry had been raised that their competition was ruinous. He had stood alone before in Natal against taxing that section only. It might surprise Hon. Senators to hear that it was only 10 or 15 per cent. of the Indians of Natal who worked for the sugar planters. Government and the Corporation also were very great sinners, and the coal mines, in importing Indians. In nearly every house in Natal the servants were Indians. The people who cried most were the people who had made a great deal of money, and the comfort of whose house was due to a great deal of Indian servants. He hoped that no other

Senator would speak as Senator Winter had spoken. It was not the feeling of Natal only that they had to consider, but the feeling also of the Union and the Imperial Government. The Bill was a very necessary and a just one, and he hoped it would be passed. They had some very rough things in sight if that Bill were not passed. He could support the Bill with all his heart.

—o—  
THE SETTLEMENT.

The following correspondence between Mr. Gandhi and General Smuts, in confirmation of a series of interviews, constitutes a perfect understanding between the Government and the Indian community in regard to those administrative matters which do not come under the Indians' Relief Bill:—

Department of the Interior,  
Capetown, Cape of Good Hope,  
30th June, 1914.

Dear Mr. Gandhi,

Adverting to the discussions you have lately had with General Smuts on the subjects of the position of the Indian community in the Union, at the first of which you expressed yourself as satisfied with the provisions of the Indians' Relief Bill and accepted it as a definite settlement of the points, which required legislative action, at issue between that community and the Government; and at the second of which you submitted for the consideration of the Government a list of other matters requiring administrative action, over and above those specifically dealt with in that Bill; I am desired by General Smuts to state with reference to those matters that:—

(1) He sees no difficulty in arranging that the Protector of Indian Immigrants in Natal will in future issue to every Indian who is subject to the provisions of Natal Act 17 of 1895, on completion of his period of indenture, or re-indenture, a certificate of discharge, free of charge, similar in form to that issued under the provisions of Section 106 of Natal Law No. 25 of 1891.

(2) On the question of allowing existing plural wives and the children of such wives to join their husbands for (or fathers) in South Africa, no difficulty will be raised by the Government if on enquiry, it is found, as you stated, that the number is a very limited one.

(3) On administering the provisions of Section (4) (1) (a) of the Union Immigrants' Regulation Act No. 22 of 1913, the practice hitherto existing at the Cape will be continued in respect of South African-born Indians who seek to enter the Cape Province, so long as the movement of such persons to that Province assumes no greater dimensions than has been the case in the past; the Government, however, reserve the right, as soon as, the number of such entrants sensibly increase, to apply the provisions of the Immigration Act.

(4) In the case of the "specially exempted educated entrants into the Union," (i.e., the limited number who will be allowed by the Government to enter the Union each year for some purpose connected with the general welfare of the Indian Community), the declarations to be made by such persons will not be required at Provincial borders as the general declarations which are made in terms of Section 19 of the Immigrants' Regulation Act at the port of entry are sufficient.

(5) Those Indians who have been admitted within the last three years, either to the Cape Province or Natal, after passing the education tests imposed by the Immigration Laws which were in force therein prior to the coming into effect of Act 22 of 1913, but who, by reason of the wording of Section 30 thereof, are not yet regarded as being "domiciled" in the sense in which that term is defined in the Section in question, shall, in the event of their absents themselves temporarily from the Province in which they are lawfully, resident, be treated, on their return, as if the term "domicile" as so defined did apply to them.

(6) He will submit to the Minister of Justice the cases of those persons who have been in the past convicted of "*bona fide*" "passive resistance offenders" (a term which is mutually understood) and that he anticipates no objection on Mr. De Wet's part to the suggestion that convictions for such offences will not be issued by the Government against such persons in the future.

(7) A document will be issued to every "specially exempted educated entrant" who is passed by the Immigration Officers under the instructions of the Minister issued under Section 25 of Act No. 22 of 1913.

(8) All the recommendations of the Indian Grievances Commission enumerated at the conclusion of their Report, which remain over and above the points dealt with in the Indians' Relief Bill will be adopted by the Government; and subject to the stipu-

lation contained in the last paragraph of this letter the necessary further action in regard to those matters will be issued without delay.

With regard to the administration of existing laws, the Minister desires me to say that it always has been and will continue to be the desire of the Government to see that they are administered in a just manner and with due regard to vested rights.

In conclusion, General Smuts desires me to say that it is, of course, understood, and he wishes no doubts on the subject to remain, that the placing of the Indians' Relief Bill on the Statute Book of the Union, coupled with the fulfilment of the assurance he is giving in this letter in regard to the other matters referred to herein touched upon at the recent interviews, will constitute a complete and final settlement of the controversy which has unfortunately existed for so long, and will be unreservedly accepted as such by the Indian community.

M. K. Gandhi, Esq.,  
Buiteneingel,  
Cape Town.

I am etc.,  
(Sd.) E. M. GORGES  
7, Bulteneingel,  
Cape Town, 30th June 1914.

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Dear Mr. Gorges.

I beg to acknowledge receipt of your letter of even date herewith setting forth the substance of the interview that General Smuts was pleased, notwithstanding many other pressing calls upon his time, to grant me on Saturday last. I feel deeply grateful for the patience and courtesy which the Minister showed during the discussion of the several points submitted by me.

The passing of the Indians' Relief Bill and this correspondence finally closed the Passive Resistance struggle which commenced in the September of 1906 and which to the Indian community cost much physical suffering and pecuniary loss and to the Government much anxious thought and consideration.

As the Minister is aware, some of my countrymen have wished me to go further. They are dissatisfied that the Trade Licences

Laws of the different Provinces, The Transvaal Gold Law, the Transvaal Townships Act, the Transvaal Law 3 of 1885 have not been altered so as to give them full rights of residence, trade and ownership of land. Some of them are dissatisfied that full inter-provincial migration is not permitted, and some are dissatisfied that on the marriage question the Relief Bill goes no further than it does. They have asked me that all the above matters might be included in the Passive Resistance struggle. I have been unable to comply with their wishes. Whilst, therefore, they have not been included in the programme of Passive Resistance it will not be denied that some day or other these matters will require further and sympathetic consideration by the Government. Complete satisfaction cannot be expected until full civic rights have been conceded to the resident Indian population.

I have told my countrymen that they will have to exercise patience and by all honourable means at their disposal educate public opinion so as to enable the Government of the day to go further than the present correspondence does. I shall hope that when the Europeans of South Africa fully appreciate the fact that now, as the importation of indentured labour from India is prohibited and as the Immigrant's Regulation Act of last year has in practice all but stopped further free Indian Immigration, and that my countrymen do not aspire to any political ambition, they the Europeans, will see the justice and indeed the necessity of my countrymen being granted the rights I have just referred to.

Meanwhile, if the generous spirit that the Government have applied to the treatment of the problem during the past few months continues to be applied, as promised in your letter, in the administration of the existing laws, I am quite certain that the Indian community throughout the Union will be able to enjoy some measure of peace and never be a source of trouble to the Government.

I am,  
Yours faithfully,  
(Sd). M. K. GANDHI.

E. M. Gorges, Esq.,  
Department of the Interior,  
Capetown.



## THE END

A struggle of eight years' duration has at last finally closed. The Indians' Relief Bill and the correspondence between the Government and Mr. Gandhi embody a complete and mutually satisfactory and honourable settlement of the problems that were affected by the passive resistance movement. For this happy ending we have to thank the Imperial Indian and Union Governments, the Motherland, guided and moved by Mr. Gokhale, and Mr. Andrews' mission. The sufferings of thousands of Passive Resisters, the Martyrdom of Valliamah, Narayanaswamy, Nagappan, and Harbatsingh brought these forces into being. Passive Resistance, as a lawful weapon, has thus once more been vindicated. The lengthy reference made by Lord Gladstone to the settlement shows its importance. We are grateful to His Excellency for clearly placing before the people of South Africa the Imperial aspect.

It now remains for the Union Government to follow up this happy solution of a difficult problem of a sympathetic and just administration of the laws that affect the Indian community and for the latter to show by its action that it is ever worthy of just treatment. If the community is permitted to enjoy rest, it will be possible to find an easy method of dealing with the matters dealt with in Mr. Gandhi's letter and which some day or other will demand attention in order that the resident population may be restored to the ordinary rights of citizenship. For it must not be forgotten that, though there is cause for thankfulness in that the most pressing grievances have been removed, we shall still labour under legal disabilities which intense colour prejudice has brought into being. Administration of trade licence laws, largely on racial lines, the deprivation of the right to own land in the Transvaal, the precarious position under the Transvaal Gold Law, inter-provincial restrictions—these and many other such limitations of our liberty show how true were Lord Gladstone's words when he said that the Indians' Relief Bill did but the barest justice, indeed, it can only be taken as an instalment and as an earnest of the future. The struggle will, therefore, have done much more than give us the Bill and the administrative measures, if it has also altered the repressive policy of the Government to a progressive one, such that we may look forward to a steady improvement in the future.

## FAREWELL TO MR. AND MRS. GANDHI AT DURBAN

The spacious Town Hall of Durban has only once before—

on the occasion of the reception of the Hon. Mr. Gokhale—been the scene of such a large and enthusiastic Indian gathering as assembled there to bid farewell to Mr. and Mrs. Gandhi and Kallenbach on their departure to England *enroute* to India. The body of the Hall, with the two galleries was quite full. There was also a fair number of Europeans present.

The Mayor (Mr. W. Holems) presided, and was supported on the platform by a number of Europeans, as well as leading Indians. Among the former were the Rev. Hodson and A. A. Baillie, Messrs. C. S. Jameson, Karl Gundelfinger Baumaun, Otto Siedle, F. A. Laughton, K. C. Eugene Renand, and A. R. Michel.

Telegrams of apology for non-attendance were received from the Bishop of Natal, General Botha, Mr. Smuts, Mr. J. X. Merri-man, Mr. Burtons (Minister of Railways and Harbours) Sir Thomas Smartt, Mr. W. H. Hosken, Senator Marshall Campbell, and many Indians in different parts of the country.

The ceremony of garlanding and presenting bouquets to Mr. and Mrs. Gandhi and the Mayor took place amid applause.

A telegram was read from Mr. Kallenbach regretting his inability and asking Mr. Gandhi to thank the friends on his behalf for the address presented to him.

The Mayor said it gave him much pleasure to preside at the public reception to Mr. M. K. Gandhi on the occasion of his leaving their shores on his return to his native land. Mr. Gandhi was personally known to a large number of the inhabitants of Durban for many years past. Speaking of him as a burgess of Durban he (the Mayor) could state that throughout his residence amongst them Mr. Gandhi was always held in the highest esteem by all sections of the community. (Applause.) It was a matter for regret to the official section of the community when Mr. Gandhi left Durban in 1904, and relinquished the un-official position which he held as the representative of the Indian community in Durban. In that position he was glad to testify that Mr. Gandhi rendered invaluable service to the whole community—particularly on the occasion of the outbreak of bubonic plague, when his cordial co-operation with the Health Committee enabled the authorities to stamp out the disease very rapidly. As Mayor of Durban he was precluded from making reference to Mr. Gandhi's political career, but he could state that he honoured him as a man, and appreciated

the wholeheartedness of his efforts to alleviate the conditions of his fellow-Indians. During the course of that afternoon, he the (Mayor) received a number of telegrams chiefly emanating from Johannesburg, protesting against that reception, and stating that the Indian community were not satisfied with the Relief Bill. With that matter he had no concern but he was given to understand that, so far as the Indian Community of Durban was concerned, that demonstration in honour of Mr. Gandhi was perfectly unanimous. (Applause.)

Mr. A. Christopher then read the address of the Reception Committee to Mr. and Mrs. Gandhi which was presented by the Mayor. The address was signed by Mr. C. H. A. Jhaveri Chairman; Messrs. G. H. Miankhan, and V. Lawrence, Treasurers; and Messrs. Abdul Hack Kaji, Lazarus Gabriel, and A. Christopher, Secretaries.

Mr. Joseph Royappen read the speech of the Chairman of the Reception Committee in which reference was made to Mr Gandhi's various activities in Natal and the Transvaal, and as leader of the Passive Resistance movement. In referring to some of the chief landmarks in Mr. Gandhi's career, he said, "The first and foremost of these is that our brother set out on his life work to conquer hate by love. If any doubt this, he has but to turn to the pages of a small pamphlet issued by him on his first return to India now nearly 20 years ago. There our leader has set forth the teaching that envy, hatred, and malice, emanating from whatever causes should be met and can only be wiped out by an abundant love. How he has won with his weapon of peace is known to the world to-day in the pain and suffering of himself and his followers in the great Passive Resistance movement. The second beacon light of his life has been a complete effacement of the self. Here we find our brother, in all his life and thought and action, laying aside self and considerations of self. With him it has ever been his brother first and last, and himself not at all. The third feature of his life has been a calm fearlessness. An aspect of this characteristic is seen in his work during the Boer War and the outbreak of Plague in Johannesburg. In the midst of pain and suffering, his own life counted with him for nothing, but the life of the meanest being, a precious thing, worthy the price of his own."

Further addresses were presented from the Indian Women's Association, Indian Women's Sabha, Colonial-born Indians, Anju-

man Islam, Shri Hindi Jigyasa Sabha, District Indian Association, Tamil Mahajana Sabha, Mahomedan Mastic Society, Zoroastrian Anjuman, Gujarathi Community, Newcastle Indians, Daunhauster Indians and others.

Addresses were also presented to Mr. Kallenbach by the Natal Indian Association, Anjuman Islam and Zoroastrian Anjuman.

The Mayor then called upon Mr. F. A. Laughton, K. C., to address the meeting. Mr. Gandhi, he said, belonged to the same profession as himself and there has grown between them a bond of friendship, which had grown stronger and stronger. Mr. Gandhi's courage he had never seen excelled—he doubted whether he had ever seen it equalled. Selfishness, Mr. Gandhi had none; he had sacrificed everything to his people, whom he loved, and he left as poor a man as when he came to this country. His principles were such that he could trust him among all the men he had known. He advised his Indian friends to be guided by the principles which had led Mr. Gandhi.

The Rev. Mr. Hodgson congratulated the Indian community upon the success which had attended Mr. Gandhi's efforts on their behalf. It was a matter for thanks-giving that the troubles had been settled for some time to come. He was impressed by Mr. Gandhi's fearlessness. He was ready not only to write and speak of sacrifice, but he was prepared to suffer, and he believed, even to die. He (the speaker) would welcome the day when there would be, in the words of a great South African statesman, "equal rights for every civilised man South of the Zambesi."

Mr. Fred Bell as one who had worked with the Indian community of Durban for over thirty-three years, wished to add a word of appreciation. He referred to the marriage question as being one of the greatest of the grievances and he was glad that the matter was satisfactorily settled.

Mr. Gandhi, in returning thanks, first explained why he appeared in the mourning costume which he had been wearing since the time of the strike. He hoped that they would forgive him for appearing in the strange costume, which he had adopted on his premature discharge from prison, as a sign of mourning. That mourning had gone, yet he retained the costume, and as the alternative was for him to wear the evening dress, he felt that in the mental attitude which possessed him at that moment he could not

render a greater respect for them than in appearing as he did (Cheers.) Referring to the addresses which had been presented to him, he said that, while he valued them, he valued more the love and sympathy which addresses had expressed. He did not know that he would be able to make adequate compensation. He did not deserve all the praise bestowed upon him. Nor did his wife claim to deserve all that had been said of her. Many an Indian woman had done greater service during the struggle than Mrs. Gandhi. He thanked the community on behalf of Mr. Kallenbach, who was another brother to him, for the addresses presented. The community had done well in recognising Mr. Kallenbach's worth. Mr. Kallenbach would tell them that he came to the struggle to gain. He considered that, by taking up their cause, he gained a great deal in the truest sense. Mr. Kallenbach had done splendid work during the strike at New Castle and, when the time came he cheerfully went to prison, again thinking he was the gainer and not the loser. Proceeding Mr. Gandhi referred to the time of his arrival in 1897 when his friend Mr. Laughton had stood by him against the mob. He also remembered with gratefulness the action of Mrs. Alexander, the wife of the late Superintendent of Police in Durban, who protected him with her umbrella from the missiles thrown by the excited crowd. Referring to Passive Resistance, he claimed that it was a weapon of the purest type. It was not the weapon of the weak. It needed, in his opinion, far greater courage to be a Passive Resister than a physical resister. It was the courage of a Jesus, a Daniel, a Cronmer, a Latimer, and a Ridley who could go calmly to suffering and death, and the courage of a Tolstoy who dared to defy the Czars of Russia, that stood out as the greatest. Mr. Gandhi said that the Mayor had received some telegrams stating that the Indians' Relief Bill was not satisfactory. It would be a singular thing if in this world they would be able to get anything that satisfied every body, but in the condition of things in South Africa at the present time he was certain they could not have had a better measure. "I do not claim the credit for it," Mr. Gandhi remarked. "It is rather due to the women and young people like Nagappan, Narayanaswamy, and Valliamah who have died for the cause and to those who quickened the conscience of South Africa. Our thanks are also due to the Union Government. General Botha showed the great statesmanship when he said that his Government would stand or fall by this measure. I followed the whole of that historic debate—historic to me, historic to my countrymen, and possibly historic to South Africa and the

world. Proceeding, Mr. Gandhi said it was well-known to them how the Government had done justice, and how the Opposition had come to their assistance. They had also received handsome help from both the Imperial and Indian Governments, backed by that generous Viceroy, Lord Hardinge. (Cheers.) The manner in which India, led by their great and distinguished countryman Mr. Gokhale, had responded to the cry which came from the hearts of thousands of their countrymen in South Africa, was one of the results of the Passive Resistance movement, and left, he hoped, no bitter traces or bitter memories. (Applause.) "This assurance", continued Mr. Gandhi, "I wish to give. I go away with no ill-will against a single European. I have received many hard knocks in my life, but here I admit that I have received those most precious gifts from Europeans—love and sympathy." (Cheers.)

This settlement, he said, had been achieved after an eight years' struggle. Indians in South Africa had never aspired to any political ambition, and as regards the social question, that could never arise in connection with the Indians. "I do not hold for one moment," Mr. Gandhi exclaimed, "that East and West cannot combine. I think the day is coming when East must meet West, or West meet East, but I think the social evolution of the West to-day lies in one channel, and that of the Indian in another channel. The Indians have no wish to-day to encroach on the social institutions of the Europeans in South Africa. (Cheers.) Most Indians are natural traders. There are bound to be trade jealousies and those various things that come from competition. I have never been able to find a solution of this most difficult problem, which will require the broad-mindedness and spirit of justice of the Government of South Africa to hold the balance between conflicting interests." Referring to his stay in South Africa, Mr. Gandhi said that he should retain the most sacred memories of this land. He had been fortunate in forming the happiest and most lasting friendships with both Europeans and Indians. He was now returning to India—a holy land, sanctified by the austerities of the ages. In conclusion, Mr. Gandhi hoped that the same love and sympathy which had been given to him in South Africa might be extended to him, no matter in what part of the world he might be. He hoped that the settlement embodied in the Indian Relief Bill would be carried out in a spirit of broadmindedness and justice in the administration of the laws lately passed in connection with the affairs of the Indian community. "Then," added Mr. Gandhi,

“there will be no fear on the part of my countrymen in their social evolution. That is one of the lessons of the settlement.”

## FAREWELL TO MR. AND MRS. GANDHI AT JOHANNESBURG

### *Mr. Gandhi's Speech*

Johannesburg was not a new place to him. He saw many friendly faces there many who had worked with him in many struggles in Johannesburg. He had gone through much in life. A great deal of depression and sorrow had been his lot, but he had also learnt during all those years to love Johannesburg even though it was a mining camp. It was in Johannesburg that the foundation for the great struggle of passive resistance was laid in the September of 1906. It was in Johannesburg that he had found a friend, a guide and a philosopher in the late Mr. Doke. It was in Johannesburg that he had found in Mrs. Doke a loving sister, who had nursed him back to life when he had been assaulted by a countryman who had misunderstood his mission and who misunderstood what he done. It was in Johannesburg that he had found a Kallenbach, a Polak, a Miss Schlesiu and many another who had always helped him and had always cheered him and his countrymen. Johannesburg therefore had the holiest associations of all the holy associations that Mrs. Gandhi and he would carry back to India; and as he had already said on many another platform South Africa next to India, would be the holiest land to him and to Mrs. Gandhi and to his children, for, in spite of all the bitternesses, it had given them those lifelong companions. It was in Johannesburg again that the European Committee had been formed when Indians were going through the darkest stage in their history, presided over then, as it still was, by Mr. Hosken. It was last, but not least, Johannesburg that had given Valliamma, that young girl, whose picture rose before him even as he spoke, who had died in the cause of Truth. Simple-minded in faith, she had not the knowledge that he had, she did not know what Passive Resistance was, she did not know what it was the community would gain, but she was simply taken up with unbounded enthusiasm for her people, went to gaol, came out of it a wreck, and within a few days died. It was Johannesburg again that produced a Nagappan and Narayanaswamy, two lovely youths, hardly out of their teens, who also died. But both Mrs. Gandhi and he stood living before them. He

and Mrs. Gandhi had worked in the limelight; those others had worked behind the scenes not knowing where they were going, except this, that what they were doing was right and proper, and, if any praise was due anywhere at all, it was due to those three who died. They had had the name of Harbatsingh given to them. He (the speaker) had had the privilege of serving imprisonment with him. Harbatsingh was 75 years old. He was an ex-indentured Indian, and when he (the speaker) asked him why he had come there to seek his grave, the brave man replied. "What does it matter? I know what you are fighting for. You have not to pay the £3 tax but fellow ex-indentured Indians have to pay that tax, and what more glorious death could I meet?" He had met that death in the goal at Durban. No wonder if Passive Resistance had fired and quickened the conscience of South Africa.

But, proceeded Mr. Gandhi, he concurred with Mr. Duncan in an article he wrote some years ago, when he analysed the struggle, and said that behind that struggle for concrete rights lay the great spirit which asked for an abstract principle, and the fight which was undertaken in 1906 although it was a fight against a particular law, was seen a fight undertaken in order to combat the spirit that was seen about to overshadow the whole of South Africa and to undermine the glorious British constitution, of which the Chairman had spoken so loftily that evening, and about which he shared his views. It was his knowledge, right or wrong, of the British Constitution which bound him to the Empire. Tear that Constitution to shreds and his loyalty also would be torn to shreds. Keep that Constitution intact and they held him bound a slave to that Constitution. He had felt that the choice lay for himself and his fellow-countrymen between two courses, when this spirit was brooding over South Africa, either to sunder themselves from the British Constitution, or to fight in order that the ideals of that Constitution might be preserved—only the ideals. Lord Ampthill had said in a preface to Mr. Doke's book that the theory of the British Constitution must be preserved at any cost if the British Empire was to be saved from the mistakes that all the previous Empire had made. Practice might bend to the temporary aberration through which local circumstances might compel them to pass, it might bend before unreasoning or unreasonable prejudice, but theory once recognised, could never be departed from and this principle must be maintained at any cost. And it was in that spirit which been acknowledged now by the Union Government, and acknowledged too,



nobly and loftily. The words that General Smuts so often emphasised still rang in his ears. He had said "Gandhi, this time we want no misunderstanding, we want no mental or other reservations, let all the cards be on the table and I want you to tell me wherever you think that a particular passage or word does not read in accordance with your own reading," and it was so. That was the spirit in which he approached the negotiations. When he remembered General Smuts of a few years ago, who told Lord Crewe that South Africa would not depart from its policy of racial distinction, that it was bound to retain that distinction, and that therefore, the sting that lay in this Immigration Law would not be removed, many a friend, including Lord Ampthill, asked whether they could not for the time being suspend their activity. He had said 'No.' If they did that it would undermine his loyalty, and even though he might be the only person he would still fight on. Lord Ampthill had congratulated him, and that great nobleman had never deserted the cause even when it was at its lowest ebb, and they saw the result the other day. They had not by any means to congratulate themselves on a victory gained. There was no question of a victory gained, but the question of the establishment of the principle that, so far as the Union of South Africa at least was concerned, its legislation would never contain the racial taint, would never contain the racial disability. The practice would certainly be different. There was the Immigration Law. It recognised no racial distinctions, but in practice they had arranged, they had given a promise, that there should be no undue influx from India as to Immigration. That was a concession to prevent prejudice. Whether it was right or wrong was not for him to discuss them. But it was the establishment of the principle which had made the struggle so important in the British Empire, and the establishment of that principle which had made those sufferings perfectly justifiable and perfectly honourable, and he thought that, when they considered the struggle from that standpoint it was a perfectly dignified thing for any gathering to congratulate itself upon such a vindication of the principles of the British Constitution. One word of caution he wished to utter regarding the settlement. The settlement was honourable to both parties. He did not think that there was any room left for misunderstanding, but, while it was final in the sense that it closed the great struggle, it was not final in the sense that it gave to Indians all that they were entitled to. There was still the Gold Law which had many a sting in it. There was still the Licensing Law throughout the Union which also contain-

ed many a sting. There was still a matter which the colonial-born Indians especially could not understand or appreciate, namely, the water-tight compartments in which they had to live; while, there was absolutely free inter-communication and inter-migration between the provinces for Europeans, Indians had to be cooped up in their respective provinces. Then there was undue restraint on their trading activity. There was the prohibition as to holding landed property in the Transvaal, which was degrading and all these things took Indians into all kinds of undesirable channels. These restrictions would have to be removed. But for that, he thought, sufficient patience would have to be exercised. Time was now at their disposal and how wonderfully the tone had been changed. And there he had been told in Capetown, and he believed it implicitly, the spirit of Mr. Andrews had pervaded all those statesmen and leading men whom he saw. He came and went away after a brief period, but he certainly fired those whom he saw with a sense of their duty to the Empire of which they were members. But, in any case, to whatever circumstances that healthy tone was due, it had not escaped him. He had seen it amongst European friends whom he met at Capetown. He had seen it more fully at Durban and this time it had been his privilege to meet many Europeans who were perfect strangers even on board the train, who had come smilingly forward to congratulate him on what they had called a great victory. Everywhere he had noticed that healthy tone. He asked European friends to continue that activity, either through the European Committee or through other channel, and to give his fellow-countrymen their help and extend that fellow-feeling to them also, so that they might be able to work out their own salvation.

To his countrymen he would say that they should wait and nurse the settlement which he considered was all that they could possibly and reasonably have expected, and that they would now live to see, with the co-operation of their European friends, that what was promised was fulfilled, that the administration of the existing laws was just and that vested rights were respected in the administration, that after they had nursed these things, if they cultivated European public opinion, making it possible for the Government of the day to grant a restoration of the other rights of which they had been deprived, he did not think that there need be any fear about the future. He thought that with mutual co-operation, with mutual good-will, with due response on the part of either party, the Indian community need ever be a source of weakness to that Government or to any other Gov-

ernment. On the contrary he had full faith in his countrymen that, if they were well treated, they would always rise to the occasion and help the Government of the day.

And now it was time for him to close his remarks and say a few words of farewell only. He did not know how he could express those words. The best years of his life had been passed in South Africa. India, as his distinguished countryman, Mr. Gokhale, had reminded him had become a strange land to him. South Africa, he knew, but not India. He did not know what impelled him to go to India, but he did know that the parting from them all, the parting from the European friends who had helped him through thick and thin, was a heavy blow, and one he was least able to bear, and yet he knew he had to part from them. He could only say farewell and ask them to give him their blessing, to pray for them that their heads might not be turned by the praise they had received, that they might still know how to do their duty to the best of their ability, that they might still learn the first, the second and the last should be the approbation of their own conscience, and that then whatever might be due to them would follow in its own time.

### FAREWELL TO SOUTH AFRICA

Just before leaving South Africa Mr. Gandhi handed to the Reuter's agent at Capetown the following letter addressed to the Indian and European public of South Africa:—

I would like, on the eve of my departure for India, to say a few words to my countrymen in South Africa and also to the European community. The kindness with which both European and Indian friends have overwhelmed me sends me to India a debtor to them. It is a debt I shall endeavour to repay by rendering in India what services I am capable of rendering there, and if in speaking about the South African Indian question I am obliged to refer to the injustices which my countrymen have received and may hereafter receive, I promise that I shall never wilfully exaggerate, and shall state the truth and nothing but the truth.

A word about the settlement, and what it means. In my humble opinion it is the Magna Charta of our liberty in this land. I give it the historic name, not because it gives us rights

which we have never enjoyed and which are in themselves new or striking, but because it has come to us after eight years' strenuous suffering that has involved the loss of material possessions and of precious lives. I call it our Magna Charta because it marks a change in the policy of the Government towards us and establishes our right not only to be consulted in matters affecting us, but to have our reasonable wishes respected. It moreover confirms the theory of the British constitution that there should be no legal racial inequality between different subjects of the Crown, no matter how much practice may vary according to local circumstances. Above all, the settlement may well be called our Magna Charta, because it has vindicated Passive Resistance as a lawful, clean weapon and has given in Passive Resistance a new strength to the community; and I consider it an infinitely superior force to that of the vote, which history shows has often been turned against the voters themselves.

The settlement finally disposes of all the points that were the subject-matter of Passive Resistance, and in doing so it breathes the spirit of justice and fair-play. If the same spirit guides the administration of the existing laws, my countrymen will have comparative peace, and South Africa will hear little of Indian problem in an acute form.

Some of my countrymen have protested against it. The number of these protestants is numerically very small and in influence not of very great importance. They do not object to what has been granted, but they object that it is not enough. It is impossible, therefore, to withhold sympathy from them. I have had an opportunity of speaking to them, and I have endeavoured to show to them that if we had asked for anything more it would have been a breach of submission made on behalf of the British Indians in a letter addressed to the Government by Mr. Cachalia during the latter part of last year and we should have laid ourselves open to the charge of making new demands.

But I have also assured them that the present settlement does not preclude them from agitation (as has been made clear in my letter to the Secretary of the Interior of the 16th. ultimo) for the removal of other disabilities which the community will still suffer from under the Gold Law, the Townships Act, the Law 3 of 1885 of the Transvaal and the Trade Licences Laws of Natal and Cape. The promise made by General Smuts to administer the existing law justly and with due regard to vested rights gives

the community breathing time, but these laws are in themselves defective, and can be, as they have been, turned into engines of oppression and instruments by indirect means to drive the resident Indian population from South Africa. The concession to popular prejudice in that we have reconciled ourselves to the almost total prohibition by administrative methods of a fresh influx of Indian immigrants, and to the deprivation of all political power, is, in my opinion, the utmost that could be reasonably expected from us. These two things, being assured I venture to submit that we are entitled to full rights of trade, inter-provincial migration, and ownership of landed property being restored in the not distant future. I leave South Africa in the hope that the healthy tone that pervades the European community in South Africa to-day will continue and that it will enable Europeans to recognise the inherent justice of our submission. To my countrymen I have at various meetings that I have addressed during the past fortnight attended in several cases by thousands, said, 'nurse the settlement, see to it that the promises made are being carried out. Attend to development and progress from within. Zealously remove all causes which we may have given for the rise and growth of anti-Indian prejudice and of agitation, and patiently cultivate and inform European opinion so as to enable the Government of the day and legislature to restore to us our rights.' It is by mutual co-operation and good-will that the solution of the balance of the pressing disabilities which were not made points for Passive Resistance may be obtained in the natural course and without trouble and agitation in an acute form.

The presence of a large indentured and ex-indentured Indian population in Natal is a grave problem. Compulsory repatriation is a physical and political impossibility, voluntary repatriation by way of granting free passages and similar inducements will not, as my experience teaches me, be availed of to any appreciable extent. The only real and effective remedy for the great State to adopt is to face responsibility fairly and squarely, to do away with the remnant of the system of indenture and to level up this part of the population and make use of it for the general welfare of the Union. Men and women who can effectively strike in large bodies, who can for a common purpose suffer untold hardships, who can, undisciplined though they are, be martyrs for days, without police supervision and yet avoid doing any damage to property or to person, and who can in times, of need serve their

King faithfully and capably as the Ambulance Corps raised at time of the late war (and which had among other classes of Indians nearly, 1,500 indentured Indians) bore witness, are surely people who will, if given ordinary opportunities in life, form an honourable part of any nation.

If any class of persons have special claim to be considered, it is these indentured Indians and their children to whom South Africa has become either a land of adoption or of birth. They did not enter the Union as ordinary free immigrants, but they came upon invitation, and indeed even after much coaxing, by agents of South African employers of this class of labour. In this letter I have endeavoured as accurately and as fairly as is in my power to set forth the Indian situation, and the extraordinary courtesy, kindness and sympathy that have been shown to me during the past month by so many European friends. The frankness and generosity with which General Smuts in the interview that he was pleased to grant me approached the questions at issue and the importance that so many distinguished members of both Houses of Parliament attached to the Imperial aspects of the problem give me ample reason for believing that my countrymen who have made South Africa their homes will receive a fairly full measure of justice and will be enabled to remain in the Union with self-respect and dignity.

Finally, in bidding good-bye to South Africa I would like to apologise to so many friends on whom I have not been able, through extreme pressure of work, to call personally. I once more state that though I have received many a hard knock in my long stay in this country, it has been my good fortune to receive much personal kindness and consideration from hundreds of European friends, well-wishers and sympathisers. I have formed the closest friendships which will last for years for this reason and for many similar reasons which I would love to reduce to writing but for fear of trespassing unduly upon the courtesy of the Press. This sub-continent has become to me a sacred and dear land next only to my motherland. I leave the shores of South Africa with a heavy heart and the distance that will now separate me from South Africa will but draw me closer to it, and its welfare will always be a matter of great concern and the love bestowed upon me by my countrymen and the generous forbearance and kindness extended to me by Europeans will ever remain a most cherished treasure in my memory.

## THE SOUTH AFRICAN QUESTION

BY MR. C. F. ANDREWS

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I am not among those who are of the opinion that nothing was gained by the Viceroy's reply to the very influential Deputation which waited on him at the end of January last. I do not see how he could possibly have said more at the moment, and what he said had a ring about it which made clear that very much more was behind. I also was struck with the ability of the choice of the two quotations from General Smuts' own speeches. These quotations showed in a quite unmistakable way that the action of South Africa is altogether unrighteous and a breach of most solemn treaties and engagements. It was not at all a small event to get those two quotations brought up against South Africa by the Viceroy himself and broadcasted all over the world.

Again, his very pointed references in his speech to the fact, that the Europeans in India in this matter sided with Indians and that all representative bodies of Indian opinion, including the ruling princes of the Indian States, were of one mind on the subject, must have carried great weight in other countries abroad, apart from South Africa, and have done a great deal to concentrate world opinion against the entirely unjust action of the South African Government.

Even such apparently small things as these are no slight gain at the present time, because Indian opinion as such, however strongly expressed, carries very little weight in South Africa; but on the other hand South Africa as a new country which is seeking to gain recognition in the West as a full grown nation, equal to Australia and Canada, lays very great stress on *world opinion*. South Africa would not like to flout world opinion. It does not wish to be considered a barbarous country where barbarous things are done.

As early as 1913, Mr. G. K. Gokhale, with his wonderful instinct for getting at the truth of a psychological situation, felt this point acutely. When he was seriously ill with fever, he called me to his bedside during the South African struggle at that earlier date and said to me: "Andrews cannot you get the support of some leading Europeans on our side in the struggle?" It was

on his advice that I enlisted the support of the late Metropolitan, Dr. Lefroy and also Dr. Whitehead, the ex-Bishop of Madras, and others.

Looking back on those earlier days, I can see how wise he was. For the passive resistance struggle was won by two things. The former was the silent suffering of the Indian community under the leadership of Mahatma Gandhi. The second was the fact that world opinion, owing to Lord Hardinge's courageous utterance (which brought home the knowledge of Mahatma Gandhi's position) came steadily over to the side of India against South Africa. There can be no question that from the time that world opinion went steadily against General Smuts he was more and more obliged to yield. He did so with the wisdom of a great statesman and his recent utterances on the present crisis have shown how deeply he has taken to heart the memory of those days. For in his speech at Capetown he is reported to have warned General Hertzog and Dr. Malan, that actions such as they are now contemplating will not stop at South Africa, but will provoke a world conflict.

If I am asked, whether this situation, in which India by herself appears to have no weight or influence of her own is a right one, I should answer in the negative. To me, it is a humiliation; and I would do all I possibly could to get rid of it, if I could only see the way forward immediately. But the evil of the whole situation is due to subjection. A subject country is in this helpless condition. Until this subjection itself is removed, I cannot see any remedy. That is why we are perpetually faced with the issue, that Swaraj is of the first importance, not only for India herself, but for Indians abroad. Personally, I do not agree with those who say, that the whole question of Indians abroad must be left on one side until Swaraj is won. That would not be right at all. We must go on with the struggle all along the line. Nevertheless, there is some truth in the saying, that only after Swaraj is won, can Indians abroad be effectively helped by Indians at home.

The Indian situation to-day is not different from that of other countries in their ardent struggle for freedom. Italy, for instance, had to appeal to the world and seek the friendship of outside nations in her own struggle for independence. It may be thought of, as I have said, as a humiliating position; but subjection itself is a humiliation. At the same time, too much must not be made of this humiliation, for that course is only weakening. After all,



every great people has its rise and fall, its decline and its recovery, and this may be a necessity of nature, just as human life requires its period of night and sleep, as well as its period of day and work. It is an inspiring thought that India is now on the very verge of a new dawn and the day spring is just beginning.

Hitherto, in this article, I have written more about the general position of humiliation to which our own weakness has reduced us in South Africa. When we come to the actual details of what has happened we can see how very deep that evil has gone. For not only now has the Municipal Franchise been taken away, in spite of all earlier pledges, but in addition to this two new measures have been introduced called 'Colour-Bar' Bills, by which Indians are now, for the first time, classed with the African nations, as on a level with them in civilisation, and they have been barred on account of their colour and race from engaging in certain trades and occupations. One of these Bills prevents Indians from serving behind liquor-bars in public hotels and restaurants; the other prevents them from serving in certain occupations in the mines and other kindred industries. No one could feel more strongly than I do, that it is a *good* thing and not a bad thing that Indians should have nothing to do with the liquor traffic. On other grounds, therefore, I should be only too thankful, that a barrier was put up against it. But this Bill, coming along with the 'Colour-Bar' Bill for the mines, really initiates a new and most sinister policy of degradation, and on that account all satisfaction at the thought that no Indian would be allowed to serve in the liquor traffic any longer is swallowed up in far the greater issue, that, for the very first time in South African history, Indians have been definitely classed with the primitive African natives, instead of with the 'coloured' people, i.e., those who have half-European descent. In a country where 'caste' is so overwhelmingly strong as South Africa, it will easily be understood what this complete 'outcasting' of the Indians really means. It represents an unparalleled danger to the whole Indian community such as they have never had to experience before. General Smuts rightly said that in all his dealings hitherto with the Indian community he had always been mindful of the high civilisation from which they had come and had never done anything gratuitously to hurt their self-respect. This statement of his was absolutely true and the tone of the present communications from South Africa, and the measures which are now put forward, represent an entirely different frame of mind from that of General Smuts. To use one special word for it, this new tone is not the tone of a gentleman; and General Hertzog has fallen far below

that level. I could imagine the white settlers in the Kenya Highlands using it, or the back woodsmen further South, but when one thinks of the South African Union Assembly, with General Smuts and J. X. Merriman, and others, this lowering of tone and the contempt of Indians involved is almost inconceivable.

One further point needs to be mentioned. Dr. Malan, the Home Minister, has spoken about 'recruiting' Indians for repatriation. It has been agreed by statute, that all such repatriation shall be purely *voluntary*. One does not therefore see, how the Union Government is able, at one and the same time, to accept the voluntary principle and to recruit. For it is well-known that 'recruiting' necessarily involves an amount of pressure, where the individual's own will is not left entirely free to make its own choice. When Mahatma Gandhi agreed to this voluntary repatriation, as one part of his settlement in 1914, he had in view only those cases of stranded people who wished at all costs to return to India and could not pay their passage. He never dreamt of a net-work of organisation, by which Europeans should go round the country, putting pressure on Indians to leave South Africa for India. This is an entirely new phase in the history of the Indian community in South Africa.

There is one thing at least, that can be done at the present time; and it should be done immediately. Every possible help should be given to the Indian community to take advantage of all the educational facilities that are being offered in South Africa. This attempt, to place the Indians in the same category with the wholly uneducated and illiterate Kaffirs, should be resisted by our seeking all the openings of education offered and using them to the full. The Indian community has suffered the severest possible loss in the death of Parsee Rustomjee and P. K. Naidu during the past year. At the present time, they are almost leaderless. Mr. A. Christopher has gone to England to qualify for the Bar. Mr. Sorabji and Mr. Pather and Pundit Bhiwani Dayal and others remain. Mr. Manilal Gandhi carries on "Indian Opinion" bravely. But it is impossible not to see, that there has been a sad depletion in the ranks of leadership. Yet no one can go out and settle there from India, on account of these savage Asiatic Exclusion laws. For the tiny number (six in all) who are allowed to land, must be priests or maulvies, who come to South Africa for purely religious purposes. If they engaged in 'politics,' they would be deported. Nowhere in the whole world to-day is the Indian community in such a critical position of danger and nowhere is help more sorely needed.

## THE VITAL FACTORS

## I.

## The Problem Stated

In order to understand the Indian situation in South Africa, it is absolutely necessary to realise the South African question itself as a whole and the greatest issue of all at the present time is between the European and the African. The Indian question is as it were a side issue. It is a terribly distressing issue to India itself, and the result of the solution offered by South African Europeans to India may mean war or peace. Sir T. B. Saprú, in London, is reported to have held a conversation with Gen. Smuts during the Imperial Conference, and to have shown how the position regarding Indian segregation and Indian race inferiority compared with Europeans could never be accepted. Dr. Saprú said to Gen. Smuts: "You know what this really means?"

Gen. Smuts said. "What does it mean?"

Dr. Saprú said. "It means war. Possibly not war by armed forces, but perpetual friction which would be worse than any war."

The speech of Dr. Saprú, if I have rightly reported it, gives the one clear and final answer to South Africa on the Indian question; for India can never possibly allow the race inferiority complex to develop. At the same time, public opinion in India is becoming more and more centred in the principle of racial equality all round, not merely between Indian and European, but between European and African. India, having suffered from centuries of European subjection, cannot possibly accept a bribe of recognition of racial equality on the understanding that the African shall remain subject to the European. To put it in other words, the Indian both in Kenya and in South Africa, stands for the African's rights as well as his own. He is asserting his own right of racial equality, not selfishly, but in order in the long run to obtain the same right for the African himself. His presence in Africa on any other basis would not have any final justifications; for it is impossible to object to the presence of foreigners on one's own soil and to struggle for the freedom of one's own soil, while at the same time definitely usurping the soil of another race and seeking to bring another race into subjection. In East Africa, there are unfortunately some ominous signs that the exceedingly small white community may offer

this bribe, at least in part, to the Indians who have emigrated to that country. I believe that they will be strong enough to refuse the bribe and to abstain from actions in which self-interest may make the temptation so great that right principles with regard to the Africans may be sacrificed. Fortunately in South Africa no such bribe to the Indian is ever likely to be made. Indeed, at the present time, the bribe is being offered by the Nationalist Government in power, not to the Indians, but to the half-caste coloured people. Just as in Java the half-caste Dutch Javanese are taken within the pale of the white race and given superior posts over the heads of the pure Javanese, so it would appear that some of the Dutch nationalist leaders are ready to offer a bribe to the rapidly growing half Dutch half African population to take them within the favoured circle of the white race while excluding the African from that circle altogether. One of the most significant points in the recent Colour Bar Bill is the classification of the Indians with the Africans, and the coloured people with the white population. Such a classification has, I believe, never been made before in South Africa; and the reasons for its being made to-day are probably (1) the rise of a predominantly Dutch Government into power, (2) the growing sense of insecurity in the white race itself which is by no means increasing in number as fast as the Negro race.

Nothing struck me more forcibly in my visit to Java, some years ago, than the attitude of the pure Dutch rulers to those Eurasians in Java who were half Dutch and half Javanese. The contrast with India was so striking. There was no colour bar as far as I could see between these two different stocks. For all practical purposes the Eurasian was admitted on equal terms into the Dutch circle. In South Africa I had seen nothing of this kind. I had fully supposed that the American method of counting even those with slight mixture of African blood in their veins with the pure Negroes had been established. I wondered, in my own mind, why there was this difference between the Dutch in Java and the Dutch in South Africa. At that time, I put down the difference to the fact that the British race was a very important factor in South Africa and that the British tradition had prevailed rather than the Dutch. I am beginning to wonder to-day, whether the force of circumstances, owing to the paucity of white population and the rise of the Dutch leaders into power, may make the South African attitude towards the half castes or coloured people to correspond with that in Java.

I would add, that among the Latin races in North Africa and in South America the colour bar difference does not appear to exist. There is not even this half and half attitude which I found in Java. In French, Algeria, Madagascar and other places there appears to be no social barrier due to race; such as exists in British South Africa or in the southern states of the United States of America. There may be social injustices and class distinctions due to wealth or education, but these are entirely different things from a definite colour bar which is due to race alone.

## II

### *The Colour Problem*

In this second chapter I wish to turn to the colour problem in South Africa itself. With regard to practically all other parts of the world where the white race has emigrated for colonisation purposes the colour problem has already been settled in one way or another; either as in North America where races are segregated as far as possible, or as in South America where races are freely mixed. To take another division of the human race, with the Latin race mixture is very common; with the Anglo-Saxon race mixture is rare. The Latin intermarries with the dark races; the Anglo-Saxon refuses to marry.

In South Africa, the problem of the future is still undecided. The white race claims the country and holds that the white race will always remain predominant. Yet there are clearly events happening under our own eyes which may entirely counteract such a claim. The present position of the white races is altogether precarious. Emigrants are not flowing into the country as they are flowing into Canada, Australia and New Zealand. Even the white population that has now become acclimated does not show any sign of rapid increase. Indeed the British population is almost stationary in its life. It is only the Dutch population which has fairly large families; and even these are diminishing. On the other hand, the negro population is rapidly increasing, and when sanitation has become more universal and the appalling death-rate in the native kraals and locations has been checked, the increase of the African population must enormously exceed the increase in the white population. The Census Report for the Union of South Africa, written by Mr. C. W. Cousins for the year 1921, is an illuminating document. It is perhaps the most frank survey

of the colour problem from the official point of view which has ever been found in Government documents. The author of this Census Report shows that during the last 30 years, in spite of a terrible death-roll during the influenza epidemic of 1918-19, the native African population has increased by nearly 3 million souls. On the other hand, the European population by natural increase has only added a half million to its former number.

If we carry such figures into the future and assume that the future rate of increase will be similar to that in the past, then by the end of 1975 it is likely that the European population will only number between 4 or 5 million people, while the African population will have reached to 25 million people. Added to this, if sanitary improvements take place and infantile mortality is checked, the African population may easily reach to 30 million, or even a higher figure. Mr. Cousins states as follows: "If the white race is to hold its own in South Africa, it will be necessary to secure an immense development of white civilisation during the next 50 years, or, perhaps, only the next 25 years. This comparatively short period may, and in all probability will, decide once and for all the issue upon which speculation has turned—whether the white race is to have any part in the ultimate development of South Africa, or whether it is to be entirely crowded out by the aboriginal population."

All the while I have been giving these figures my own mind has been saying to itself; "Surely this is the right and proper thing. Surely nature is working out her own laws of justice. Surely the land belongs to the African and should go back to him." The logic is unanswerable and this very increase of population will inevitably bring this about.

In his "Outspoken Essays" Dean Inge describes the whole problem of South Africa in the frankest possible manner. He says that in the long run the aristocratic white race, which is already beginning to exist as a parasite, living and trading upon the black labour, is bound to succumb. This very parasitism will prove its own undoing. Nature will inevitably work out its own laws and the well-known verse will be fulfilled: that

"Though the mills of God grind slowly, yet they grind exceeding small,

Though He sits and waits with patience, with exactness grinds He all."

This is the liberal view of one who was the President of the British Society of Eugenics; and he gave his verdict from the presidential chair. It remains yet to be seen whether that verdict is correct.

Probably even the present disproportion of Africans to Europeans would have been much greater had it not been for the discovery of the gold fields on the Rand. For fifty years these gold fields have been attracting adventurers from Europe, and have thus been steadily increasing the European population of South Africa by immigration. But we have already been told on the highest authority that the rapid development of gold mining on the Rand is coming to an end. At least, it cannot be expected that the same rate of increase through immigration will take place in the future that has already taken place in the past. Therefore, there is no hope for the white race from this side any longer. There will be no great influx of population to take part in the rush for gold. Indeed the white race in recent years has been faced with the fact that on certain occasions more of their number have left South Africa for Australia and other lands than those who have entered South Africa from Europe.

When I was in South Africa in the year 1920, the general complaint was that all the best settlers in the country districts were leaving the country in order to get out to Australia, because there were more inducements there for getting wealth than in South Africa itself. At its very best South Africa is a very poor agricultural country. It receives a very low and badly distributed rainfall. Its insect pests such as locusts, do infinite damage in the course of a single hour, and the farmer who spends his life in South Africa may find his fortunes ruined in a single year through disastrous droughts and bad harvests. Thus, when Canada and Australia are open to sturdy emigrants from Europe, eager to make their fortunes, it is not likely that the poor soil of South Africa will attract the farmer who is not able to make both ends meet in Great Britain.

In this chapter I have given some of the salient facts concerning South Africa from the European point of view. I shall consider now the African point of view and try to estimate what is likely to happen in the near future.

### *III. The African Point of View*

From the very first the white settlers in South Africa made the African natives their hewers of wood and drawers of water. At one time there was definite slavery and large numbers of West African slaves were brought over from the West Coast. This slavery began in 1668 and the number went on increasing year by year. In 1716 an interesting discussion took place among the directors of the Dutch East Indies Company. They considered the question whether it would be more advantageous to employ European labourers rather than slaves. Inevitably the decision was in favour of employing slaves. Only two men of any weight pleaded for the white colonisation in South Africa. Therefore the definite step was taken, with full knowledge, of making South Africa a land where the white man should be the aristocratic element and the African negro should be the serf who would do the work. With regard to the cultivation of Natal the same policy was deliberately chosen. Natal is slightly hotter than Cape Colony, and when Natal began to be colonised and the land cultivated, the question again rose whether Europeans would be willing to work or not.

By this time slavery had been abolished. Therefore it was not possible to get African slaves to do the work. The number of free native Africans who were intelligent enough for the sugar industry was too small and it was considered impossible to get Europeans to do manual labour in the sugar plantations. Therefore, the Indian Government was asked to supply indentured Indian labour under semi-servile conditions, instead of the old slave labour which used to cultivate the land. The number that came over from India soon reached many thousands and Natal was turned into a fertile garden by Indian labour. On all these occasions there was a definite choice made by the white man. He refused to take up manual labour himself even in the more southern parts which were quite temperate and mild. For the climate of South Africa is in many parts a European climate. But the white man quite deliberately determined to live upon the African native labour. The result of this has been seen in the gradual growth of a population of white people who refused to do any manual work at all and remained unemployed and are now called the 'poor whites.' This unemployed white class has reached the huge total of more than 120,000 people. It has been estimated



that one in every 12 of the white population belongs to the 'poor white' class and is sinking in the scale of civilisation.

When I was in South Africa in 1920, the members of the Labour Party told me quite frankly that they were a white aristocracy and that they were determined to remain so. The policy of the labour party recently has been to reserve certain higher grade trades and industries for the white man. To give an example which I have often quoted; I found that the mine owners in Johannesburg were obliged to employ white men to do certain skilled work and at the same time connived at the work being actually done by African labour. That is to say, the white man who got the post at £50 a month would employ a Kaffir at £3 or £4 a month and keep the remainder of the salary for himself. He would not give the Kaffir a full living wage; he would not allow the Kaffir to compete with him on terms of equal pay for equal work; but he would simply employ him on a mere pittance and pocket the money without doing any work at all. The strangest of all things was that the miners were so afraid of a strike among the white labourers that they would not actually challenge this state of things and refuse to go on under such preposterous conditions.

In that very year when I was in South Africa the mine owners did attempt to revolt against this tyranny of the white labourers, but they were defeated and came back to a mutual agreement on the same terms as before. But when a little later the black Kaffir labour struck work to get more pay and a living wage, the white labourers, for the first time, began to labour with their hands and thus to break the strike by temporarily doing the Kaffir's work. Thus the conspiracy between the mine owners and the white labourers to keep down African labour to a serf-like condition has been successful. There seems to be no spirit of equality at all no realisation of the brotherhood of man, but simply a selfish determination to grasp everything and keep it at all costs.

Lately Mr. Sampson of the South African Labour Party has been champion of labour in London, where he met white labourers from every part of the world. He was frankly aristocratic in his views and he must have startled considerably many of the socialists who preach equality and justice. I wonder if there is any difference between the white labourer in South Africa and the capitalist himself in Europe.

The new Colour Bar Bill is entirely in keeping with all the bad traditions of the Labour Party in South Africa. It is really a Labour Party Bill. By 'labour' in this connection, I imply white labour, not coloured labour at all. The African himself under this Colour Bar Bill will have no chance of rising in the scale of labour. He will be kept down to the lowest grades: he will be forced, by his very birth, into a position of inferiority and will not be allowed to live or work on equal terms with any white man. As I said one of the most interesting and important things in the present Colour Bar Bill is the acceptance by the white people of the half-castes, or coloured people, as their equals in labour employments. Evidently the fear is so great of the numbers of the African native themselves that the white race is eager in South Africa to take in anyone having even the least white blood in his veins into their own ranks just as the Dutch have done in Java.

But in the long run the flowing tide is against them. Nature is too prolific a propagator of mankind for any aristocratic white race to be able to keep up its numbers in comparison with the African native himself. While the African native has many children, the white man is content with one or two; and in the long run numbers are certain to tell. It may be asked why the white man did not take into his own ranks also the very small number of Indians. The answer is that the number is almost insignificant except in Natal, and that the white man is now getting the idea firmly established in his own mind that it is possible to repatriate these Indians forcibly and thus clear the ground for the greater and wider issue. It is in order to make the subject simpler that the white man absolutely refuses to deal with the Indian on any equal terms. All that he wants is this, that the Indian should leave the country and let the white man deal with the African face to face, as it were in single combat, and also to let him alone, with the spoils of South Africa and the prize of victory, when he has, as he hopes, defeated and segregated the African race.

#### IV.

##### *The Problem of the "Poor White."*

The final problem of the European in South Africa is the problem of the 'poor white.' If the white man absolutely refuses to work with his own hands in any occupation which demands drudgery or industrial strain, then he is certain to become more and more a parasite. He will prefer to use his superior status in order to feed upon

the labour of others, rather than to employ his own time in working for himself with his own hands.

Furthermore, the problem of white population can never possibly be solved so long as the manual occupations are all of them filled by the darker races; for it is only an extremely limited number of Englishmen who are able to come out from England with sufficient capital to a country with a poor soil like South Africa in order to settle down as gentlemen farmers on a big scale. The people who wish to emigrate from England are usually the people who are driven by poverty to do so. They are not the well-to-do classes. Therefore the poverty stricken people, who emigrate and are aided by Government will much prefer to go to the colder climates of Canada and Australia, where there is no question of black and white races. They will leave South Africa severely alone. This is really what is happening to-day, and this accounts for the extremely small emigration from England and Scotland to South Africa, compared with the emigration to Canada and Australia. It is true that there are still a number of imperially minded Britons who think it their duty to go out and help to occupy the country of South Africa and turn into a British Dominion, but after all, the number even of these is very small, and they do not appreciably affect the inevitable result which nature herself is bringing about. Still further it is to be noted that far to the north of Cape Colony there are vast unsettled areas of even more fertile land than Cape Colony itself; and Rhodesia and Nyassaland and even the highlands of Kenya are attracting a white population which might have done something to balance the increase of African native population in the extreme south. The immense land hunger of the British race appears in this instance to be over-reaching itself, and like the dog in the manger, the imperial Britons are seeking to occupy in some way or other, land which they themselves cannot truly cultivate or truly possess. The strange spectacle is presented to the world to-day of a tiny population of whites, numbering in all scarcely more than 4 millions, who are trying to hold entirely in fee for the white race more than two and a half million square miles of the earth's surface. In Canada another four million square miles is being held segregated for the use of the white race by a population of roughly eight and a half million people. If the white is asked to give an account of such a huge area of God's earth, while hundreds of millions of human inhabitants of the world are perishing for lack of bread, its only answer is that the white race itself is so precious in God's sight that the life of one white man is worth preserving, while God himself allows hundreds of the darker

racess to perish. Such a tribal idea of God as this is only worthy of the most barbarous ages of past history. It is a relic of those days, when each petty tribe regarded God as specially favouring its own race and destroying every other race.

How then does the Indian problem come into this immense African problem which has its relation to the great world problem of colour and race? Let me repeat the bare facts of history. The White race definitely and with eyes wide open, took the Indian labourer into its service in Natal, as a servile indentured labourer, in the very same manner that it had taken beforehand West African slave labour from the West African Coast. The case was exactly the same in both instances. The white man would not do the work himself, but demanded the slave to do the work for him. When in 1834 slavery was abolished and he was not able to get in more slaves from West Africa, then and then alone he turned to India. It is true that when the labour was imported from India, the white man could not get it on the same terms on which he obtained the West African slave labour. He could only get a five years' service. But this did not stand in his way as long as he could get an unlimited supply from this new source of India. Having the Indian labourer only for five years, he could use him in the five years' service more harshly than he could use the slaves in earlier days. For after the Indian labourer had served his five years term of labour, he could be thrown away, just as an orange peel is thrown away when the orange is sucked dry, and new batches of Indian servile labour could be brought in to fill the place of the old. On the other hand, the African slave from the West Coast had to be kept all through his life and even in old age could not be entirely neglected. Therefore, the Indian labour was treated in many ways worse than the slave labour. It was fed and housed in an inferior manner and the wages and everything, else were cut down to the barest minimum which would produce a maximum amount of work in 5 years; and no account whatever was taken of the Indian labourer when the five years' term was over. This Indian problem grew bigger and bigger as the amount of settled Indian population increased in Natal. If the indentured system had not been brought to a close by Indian leaders themselves, chiefly owing to the great services of Mr. Gokhale and Mr. Gandhi and later still of Pundit Madan Mohan Malaviya and others, the Indian population to-day in South Africa might have been considerably bigger than that which now exists there. Even as it is, the Indian inhabitants of Natal slightly outnumber the

white population. This is regarded as the crowning evil of Natal by almost every white man who inhabits the country. This fact accounts for the fierce hatred of the Indian by a great proportion of the white people.

In my last chapter I shall try to point what steps are likely to be taken to alter this state of things, which the white race regards as leading to its own destruction.

## V

### *The Final Issue To Be Faced*

In this last chapter I wish to sum up the whole matter and to show what, on the one hand, is likely to be the policy of the present Government in South Africa, and what, on the other hand, should be India's answer to that policy.

We have now before us a considerable number of speeches made by ministers and members of the Government and representatives of the Labour Party in South Africa, all of which point to one conclusion, namely, that the whole South African policy to-day will be directed towards getting the Indian completely out of South Africa at all costs, and thus simplify what is regarded as the main problem, viz., the relation of the white population to the African races. After the Indian population, which is very small in number, has been eliminated from South Africa altogether, the intention of the South African Government is to segregate entirely the African population as far as land is concerned, and to prevent them from holding any land whatever over an area which will include practically all the best land of the South African continent, while leaving to the African natives the most unfertile, least-watered, and semi-desert lands, that can be utilised chiefly for the breeding of goats and sheep and cattle and are not likely to support any large population. In this way, the African native will be driven out of the reserves to work for the white man. He will not be able to hold any land, even on temporary lease, except within the reserve area, where the land will be more and more scarce and unsuitable for cultivation. By this process, the white man will be able to draw upon the native labour, whenever he wishes to do so for his own purpose; and at the same time the native population will not be able to increase as fast as it would do, if it were permanently settled on the best land as small agricultural land-holders.

This 'Segregation of the Natives' has now become the cry of every white man in South Africa. Along with this cry of segregation there has come also the cry of 'Protection of White Labour.' It is urged by the Labour Party that any skilled occupation which requires mental as well as physical ability may be strictly reserved by legislation for the white race and white race only. This drastic policy of protection is aimed at reducing the native more and more to a hewer of wood and drawer of water, and at the same time giving employment to the poor white who is now being forced out of employment and is becoming a helpless and hopeless vagabond and beggar.

It is as clear as possible that this whole policy of 'Indian Repatriation,' 'African Segregation' and 'White Labour Protection' is a most selfish one, purely aimed at the improvement of the white race at the expense of every other race in the world. I am sorry to say that my own experience is, that when White Labour gets into power in the Tropics and semi-tropical countries it is practically as selfish towards the weaker races as any other form either of capital or of labour. The South African Labour Party's policy has been, up to the present one of the saddest experiences of my life. I have met its leaders, have worked with them, and have joined with them in advocating their cause, when I regarded them as in the right; but I have only met, up to the present time, disappointment after disappointment from them; and lately I have not seen an action on their part which has betrayed any trace of idealism, while the selfishness that is now running riot must be evident to all the world. Indeed, this selfishness is so great, that the whole world is now crying out against it; and in this one fact lies more than in anything else the possibility of their recovery.

The reply of the Indian people to the cry of 'Indian Repatriation' should be quite unequivocal and also quite unmistakably clear. There must be not a single Indian repatriated, if it can be avoided, while this cry (which amounts to forcible repatriation) is being raised. Mahatma Gandhi, in 1914, fully agreed to the plan of voluntary repatriation and made it one of the terms in the Gandhi-Smuts Agreement. When I was consulted on the matter in that year I fully consented to it also and for many years there was no difficulty about it and no exception could be taken to the working of that Gandhi-Smuts Agreement. But in the later years every single thing has been done to break this part of the Gandhi-Smuts Agreement as well as every other part of it. An attempt

has been made openly and frankly to substitute recruited and impressed repatriation for voluntary repatriation, and the insidious offer has just been made to the Indian Government that negotiations with regard to some scheme of repatriation should be entered into in order to find out some means by which the African Government might be able to carry out its present measures. It is to be hoped that the Indian Government will do nothing of the kind and will have nothing to do with any such negotiations\*. Indeed, after the speeches that have been made in South Africa about it, the only self-respecting course open to Government itself will be to break off all negotiations until a perfectly clear statement is made by the South African Union Government, that nothing whatever will be done in the way of compulsory repatriation. Now that the subject has been approached officially and the design of the South African Union Government has become quite clear, it would be nothing less than a breach of public honour in India to engage in any discussion on such a humiliating proposal, which is fatal to Indian honour and Indian self-respect.

With regard to the other matters such as the new Segregation Bill and the Colour Bar Bill the attitude of India could again be only one of direct and utter refusal. There can be no negotiation on such matters. Indeed it seems to me, after what we have all heard in the South African Union Assembly from ministers and statesmen, that the situation has gone far beyond all possible negotiations and that the only honourable course for India, is to break off, once and for all, any relations that are still existing until the South African Government realises the humiliating indignity to India of the steps it is taking and treats its Indian citizens in a more respectful manner.

Furthermore, the time has now fully come when the Reciprocity Agreement which the South African Government representatives themselves accepted, at two different Imperial Conferences in London, should be carefully explored from the Indian side. The same political status which has been proved a disability to Indians in South Africa should be reciprocated here with regard to South African residents in India, unless and until the South African Union Government removes the disabilities from the Indians who

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\*Note — Since the above was written the Council of the Imperial Indian Citizenship Association has been assured by the Government of India that they would never consent to a policy involving obligatory repatriation. S. A. W.

are residing in South Africa. This was the full purport of the Reciprocity Agreement which was cordially agreed to by all the Dominions at the Imperial Conference; and therefore the putting into force of this Agreement, instead of holding it in abeyance cannot possibly be regarded as an act of vindictive retaliation, but simply as an act of reciprocal justice, which the South African Government has already agreed to, as being not merely legitimate, but acceptable to itself.

*The following is a leading article from*

*THE INDIAN DAILY MAIL September 2, 1925.*

### INDIANS IN SOUTH AFRICA

We publish to-day the last of a series of articles on some of the aspects of the race problem in South Africa by Mr. C. F. Andrews who has had exceptional opportunities of studying it at close quarters. Mr. Andrews' observations are particularly interesting at present when the Union Government has taken another big step in its merciless campaign to drive the Indians out of South Africa or to reduce them to a level lower than that of the Whites if they remain in the country. The new Asiatic Bill, a full summary of which was published by us last week, infringes in a very vital manner the rights which had been guaranteed to Indians by the Smuts-Gandhi Agreement of 1914. Its most important provisions are those relating to the restriction of certain classes and races to certain limits for trading and residential purposes in urban areas. If any area within a town is occupied wholly or for the most part by any one race the Governor-General may declare it a class area. From the date on which the proclamation takes effect no person belonging to the class for which the area is reserved can acquire or lease property outside it and no person belonging to another class may do so within it. Then humiliating segregation which will be the consequence of this provision is bad enough. But the Bill contains many more provisions which are equally damaging to Indian interests. For one thing, no Indian in Natal may acquire property within 30 miles of the coast line. Indians who are born and are resident in South Africa will lose their rights if they are domiciled in any province but that of their birth. Indian immigration into South Africa has been prohibited before now but the new Asiatic Bill imposes severe restrictions on the entry into the country even of the wives and children of Indians already domiciled there.



Mr. C. F. Andrews' articles explain the reasons for the desperate anxiety of the White race in South Africa to assert and maintain its superiority over Indians and Africans. The racial legislation undertaken by the Union Government is only the symptom of a disease that vitiates the organisation of society in South Africa. In his second article Mr. Andrews explained the situation in that country regarding the proportion of the various races inhabiting it. The white race numbers only a few millions. It occupies at present and wants to keep for itself in the future, no less than two and a half million square miles of land. The European population is not increasing at any great extent either naturally or by means of immigration. On the contrary the poverty of the land is driving many of the more substantial farmers to Australia and Canada where there is a better prospect of growing rich easily. The Negroes already outnumber the Whites and are growing at a very fast rate. There is little doubt that they will swamp the white race and European civilization in the next half century or so if no special measures are taken to preserve the latter. The white race in South Africa cannot solve the problem by deciding to be self-contained in all matters. It has deliberately chosen to be an aristocracy which does no work, all the manual labour being left as the share of the despised African. This policy is no new thing. The earliest European colonisers of South Africa depended on slave labour. When slavery was abolished their descendants had recourse to indentured Indian labour, which, as Mr. Andrews points out, was worse than slavery. The importation of this indentured labour has now turned out to be the greatest obstacle in the path of the South African Whites. Though the Indians are comparatively small in numbers they constitute a factor which cannot be ignored. Once they are out of the country the Whites can exploit coloured labour without let or hindrance. Mr. Andrews points out the significance of the inclusion of half castes among the pure Whites in the new Asiatic Bill. The Anglo-Saxon race has always shown a disinclination to take half castes into its ranks. The Latin races everywhere and the Dutch in Java regard half castes as members of their own race. In South Africa this was not so until recently. Mr. Andrews believes that the change in the angle of vision may be due to the rise of Dutch leaders to power. To whatever reason it may be due the result is obvious. The Union Government is determined to rid the country of Indians and exploit the Africans with the aid of the half-castes.

“Segregation of natives,” writes Mr. Andrews, “has become the cry of every white man in South Africa.” The natives are driven out of the fertile portions of the country into barren reserves so that the Whites may draw upon them for labour whenever they wish to do so for their own purpose, “and at the same time the native population will not be able to increase as fast as it would do if it were permanently settled on the best land as small agricultural landholders.” The Indian is being steadily deprived of the rights which had been guaranteed to him “Voluntary repatriation” is being gradually converted into “compulsory repatriation.” What should be the reply of the Indian people and of the Indian Government to the challenge thrown out by South Africa? It should, as Mr. Andrews says, “be quite unequivocal and also quite unmistakably clear. There must not be a single Indian repatriated while this cry (which amounts to forcible repatriation) is being raised.” On the question of the new Asiatic Bill also Mr. Andrews’ advice is emphatic. “The attitude of India,” he says, “could be only one of direct and utter refusal. There can be no negotiations on such matters. Indeed it seems to me after what we have heard in the South African Union Assembly from ministers and statesmen that the situation has gone far beyond all possible negotiations and that the only honourable course for India is to break off once for all any relations that are still existing,” unless the South African Government revises its attitude. The belief of the Government of India appears to be that the South African Government can still be brought round by argument and fair words. The stubbornness of South Africa does not promise a satisfactory termination to any negotiations that may be on foot or are undertaken in the future. But whatever the final outcome we hope the Government of India’s representations will reflect correctly the outraged feelings of the Indian public.

## **BOMBAY'S INDIGNANT PROTEST AGAINST THE PROPOSED SOUTH AFRICAN ANTI-ASIATIC LEGISLATION.**

A large and influential meeting of Bombay citizens was held at the Excelsior Theatre, on the 15th January 1926, under the joint auspices of the Imperial Indian Citizenship Association, the Indian Merchants' Chamber and Bureau, the Bombay Provincial Congress Committee, the Central Khilafat Committee, the Swaraj Party, the Bombay Muslim League, the National Municipal Party, the Rashtriya Sabha, the Parsi Rajkiya Sabha, the National Home Rule League, the British Indian Colonial Merchants' Association, the Bombay Progressive Association, the Bombay Presidency Association, and other Associations. His Highness the Aga Khan presided. The theatre was quickly filled, and when the proceedings commenced it was difficult to find even standing room. People with long memories were heard to say, after the meeting, that there has not been a parallel demonstration of the kind held in the city during the last ten years. In spite of its huge size, however, the audience maintained a most admirable order throughout the meeting, which lasted nearly two hours and a half.

On the platform were seated leaders of different political associations and commercial organisations,—a fact which did not escape the notice of the audience and impressed everyone with the great issues involved.

The proceedings began by the Hon. Mr. Ratansi Morarji voting His Highness the Aga Khan to the chair. Mr. Morarji said that His Highness was not only very well-known all over India, but he also occupied a unique position in the political world abroad. The speaker therefore thought that the promoters of the meeting were very fortunate in having been able to secure His Highness as the Chairman of the meeting.

The motion was seconded by Mr. Byramji Jeejeebhoy.

His Highness the Aga Khan then took the chair amidst applause.

### **Messages of Sympathy.**

Mr. J. B. Petit, Honorary Secretary of the Imperial Indian Citizenship Association, read out the telegrams received from Sir Dinshaw Petit, Mr. Jamnadas Dwarkadas, the South African Indian Congress, and the Cape British Indian Association sympathising with the objects of the meeting.

### Forty Years of Humiliation.

On rising to address the meeting, His Highness was received with loud cheers. He said:—

It is thirty years since I first had the honour of presiding at a meeting of my countrymen to protest against the treatment of Indians in South Africa. I should be sorry indeed if I had to try and remember how many public meetings in this town and in other places in India, in the Caxton Hall, how many Committee meetings of the Indian Overseas Association in England, how many private consultations with Sir Pherozechah Mehta, Sir M. M. Bhowmallee, H. Wadia, Dr. Tej Bahadur Sapru and Messrs. Gokhale and Polak and others, I have attended during these last thirty years. Looking back it seems to me one long and unending series. Nor can I forget that when in 1896 I first attended a meeting of this description,—this was already more than a decade,—it had been agitating the minds of our settlers in Africa and thinkers in this country.

Ladies and Gentlemen, the simple and dull statements of biographical facts are to my mind more eloquent than any words at my command to describe what our people have gone through in that part of the world. It means forty years of humiliation inflicted upon them, of harassing legislation and ordinances, of offensive rules and regulations of constant pin-pricks, and of many bludgeon blows, borne with characteristic patience, with forbearance, with fortitude, and these forty years have seen also, on the part of the leaders of the Indians in South Africa and of the leading Indians in this country, the succession of concessions of the so-called compromisers to give up the inherent rights for the sake of peace and in order to save the small number of our people out there from total ruin and the final destruction of their self-respect. Not only the claims of a common Imperial citizenship, not only the respect with their willing services to the cause of the development of South Africa, but many promises have been forgotten.

I need not now remind you of the heroic struggle carried on by Mahatma Gandhi in 1904, which lasted till 1914, of the Borough and Township Franchise Ordinances, of the Licensing Ordinances, and of the social and political humiliations which have been heaped on our people.

Gentlemen, you will soon hear from the representatives of our countrymen out there the disastrous effects of the new proposed legislation.

I hope I am not giving away a secret, but I understand that Mr. Petit is moving the Imperial Citizenship Association, of which he is an Honorary Secretary, to contribute Rs. 50,000 to the fund which the South African Deputation proposes to raise in this country to help them.

Ladies and Gentlemen, some twenty years ago I had the honour of presiding at a meeting of the citizens of this city in the Town Hall, and of those who then addressed that meeting I think there are but two now alive who will address you to-day, namely, Mr. Baptista and myself.

I then urged immediate steps towards retaliation and reciprocity. But now to-day, and on this occasion, and speaking as man to man, I want to make one final, and I hope not unfriendly, appeal to the leaders of South Africa. Before it is too late they should not finally close the doors of understanding and conciliation in our face.

### **The Smuts-Gandhi Agreement.**

I appeal to them first of all that the great concessions made by Indians in the well-known Smuts-Gandhi Agreement should be accepted as final in the letter and in the spirits and that nothing should be done to go back on the Agreement. I appeal to the many right-thinking men in South Africa to whom Mr. Andrews has referred in his despatches to use all their influence that the spirit of that Agreement should be for ever kept alive. The overwhelming majority of the Indians in South Africa are African-born or natives of that country or are descendants of those who worked for Africa, and they themselves work for the common welfare and development of that vast Dominion. Many were brought to labour on a mere pittance so that the capitalist Whites should prosper. I appeal to them to remember that the Smuts-Gandhi Agreement and the many present laws and restrictions make white domination in South Africa a certainty and that there is no real danger to their narrow ideas from our competition, which is in fact co-operation towards the economic development of that country. I appeal to the conscience of the white races out there, and I should like to put a few definite questions to them. Do the statistics prove that the Indian is a law-breaker, a criminal? Certainly not. Is he an anarchist, a revolutionary, a bomb-thrower? No. Is the Indian the owner of the dram-shop, of the house of ill-fame, of the gambling hole? No.

### **A United India in South Africa.**

We are told by historians that the Arab dominions came to grief because they took good care to take with them the family feud of the desert beyond the Pyranees and as far as the great Wall of China.

Has the Indian taken his unseemly Hindu-Muslim squabbles, his caste and sectarian bickerings to South Africa? Certainly not. Out there and beyond the seas the instinctive common-sense of the Indian has asserted itself, and within the smaller India outside we do find United India.

Well, then, gentlemen, let us take another series of accusations. We are accused of the sanitary dangers from our customs and habits. Has the Indian been the champion of conscientious objection to vaccination in South Africa? Has he objected to inoculation against plague or has he by his careless use of water helped malaria? Certainly not.

Is he a debaucher or drunkard? Most certainly not. Throughout that Continent he has shown his qualities of patience, hard work, simple and innocent domestic enjoyment, and if in some ways his standard has not been that of the European, it is because as labourer he was not protected and was forced for the welfare of his master to accept wages which reduced him below the white standard.

### **One Final Appeal before it is Too Late.**

Ladies and Gentlemen, once more I make this final appeal to the conscience of the white men out there not to forget our common Empire, our membership of the League of Nations, our common humanity: the earnest pleadings of Dr. Taj Bahadur Sapru during the last Imperial Conference, the many friendly concessions of Gokhale and Gandhi, and above all the loyal co-operation in the daily business of life for more than fifty years of the Indians of South Africa, and to voluntarily and graciously drop this needless and humiliating Bill.



### **Statement by Dr. Abdurahman, M. P. C., Chairman and leader of the South African Indian Deputation.**

Dr. Abdurahman next addressed the meeting on the present situation. After thanking the public of Bombay for the very cordial welcome accorded to the South African deputation, and expressing his indebtedness to the Press for the publicity given to their cause and the

manner in which their grievances were espoused, he expressed gratification at the bold stand taken by the Congress, the Muslim League and other Associations in India towards the sad plight of her countrymen and women in South Africa. He analysed the disabilities of Indians settled in that country and outlined the implications of the various pieces of legislation passed against them. South Africa, he proceeded, consisted of four provinces—the Cape Province, the Orange Free State, the Transvaal and Natal with an aggregate White population of over ten millions and an Indian population of 160,000 only. In the Cape Province, the Indians lived mostly in the towns, more than one-half of them in Cape Town, and they had all gone there as free men and not under any system of indentured labour. But in the other provinces, particularly in the Orange Free State (miscalled a "Free State" but actually a slave State of the British Empire), no one, whether he was an Indian or a coloured man, was permitted to live except under certain prohibitive conditions. They were rigidly excluded and such of them as continued there could only do so as long as they continued to remain in the service of the white men. In the Transvaal, there were 15,000 Indians, free men, who did not go there under any system of indenture, and were mostly traders or in the service of the white men. In Natal, they had 140,000 Indians, most of whom went there as labourers from India in response to a very urgent appeal made by the Government of Natal to the Government of India to ship labourers out there to save the colony from bankruptcy and ruin. The Indians had transformed that colony into a prosperous condition it now held, and it was called the Garden Colony of South Africa.

Dr. Abdurahman declared that what the Indians had done for the Colony, neither the White nor the natives could do.

Continuing, he said the Indian settlers, after serving their indenture, settled down there and by dint of hard labour, thrift and enterprise grew to be prosperous, so that to-day in Natal the Indians constituted a very important proportion of the population of the Colony. They fell under three groups, namely, traders, agriculturists, and the Colonial-born Indians, who, though not quite as good agriculturists as their forefathers, had, nevertheless, built up a position of importance in South Africa. He said that the whole South African position, put in a nutshell, amounted to this, namely, that, except in the Cape Province, the

Indian was virtually a political helot and he had no representation in Parliament or in the legislatures of the country or in any other local body.

It was a long-drawn out struggle which the Indians waged during the past quarter of a century or over for their rights and liberties, and matters had now reached a climax in the introduction of the Class Areas Bill, which not merely sought to impose iniquitous restrictions upon them, but bade fair to bring about their total extermination from that country.

Dr. Abdurahman pointed out that the members of the deputation and other Indian leaders of the community had done everything possible to bring about some settlement before the deputation left South Africa. They had waited on the Minister responsible for the Bill and appealed to him to withdraw it and call for a round table conference consisting of representatives of the Indian people, the representatives of the Union of South Africa and the representatives of the Imperial Government. The Union Government had spurned this offer.

### **Implication of the Bill.**

Dr. Abdurahman next dealt with the implications of the Bill, which, he declared, struck at the very root of the existence of Indians in South Africa. He quoted examples to show in what way the different clauses of the Bill would affect them. For instance, an Indian dared not purchase or lease immovable properties either in the towns in or other proclaimed areas. The effect was that with the passing of the Bill and the proclaiming of areas, no Indian in South Africa to-day would be permitted to buy an inch of ground outside those areas. What was worse, if an Indian, who was fortunate enough to possess immovable properties in those restricted areas, happened to possess no progeny, his land would be sold to the Whites. Another clause laid down that no new trading licenses would be given to Indians to trade outside the proclaimed areas, nor the old licenses be renewed. The effect of all this, said the speaker, was that no Indian would be permitted to trade whatsoever. All new licenses would be sold to the Europeans at whatever price. As for the Indians who held properties or leases of properties, these would cease to be theirs either on the death of the property-holder or on the expiry of the lease. He quoted the opinions of the Chief Justice of Natal, who had severely criticised the ethics underlying the system of segregation. The



other offensive clause dealt with the agricultural population of Natal. There a thirty-miles belt had been proclaimed and no Indian could acquire immovable property outside this belt.

He said the whole intention and purport of the Bill was to crush the Indian trader outside the segregated areas and reduce them to a state of serfdom. The law made no provision for compensation for loss and deprivation of properties owned or leased by Indians.

#### **A Negation of Smuts-Gandhi Agreement.**

The Bill was a complete negation of the Smuts-Gandhi Agreement. The provisions of the new Bill were not only absurd, but simply inhuman, for one clause laid down that if an Indian failed to bring his wife to the Colony within five years of his marriage, he would not be able to bring her at all (Cries of shame). The same clause applied to children as well.

Dr. Abdurahman referred to another bill which was in process of being placed on the Statute Book. According to it no Indian or native African would be permitted to be in charge of any machinery. This was intended, he said, to keep the Indian engineering out of job.

He emphasized the fact that all these laws were intended to have the cumulative effect of hounding the Indians out of the land or else reduce them to abject slavery. That was the prospect before the South African Indians at the present moment.

With the loss of Parliamentary and Municipal franchise and the deprivation of all other rights of citizenship, it would end in a final "roundup" of all Indians residing there. The prospect reminded the speaker of a wild hunt, where the animals were chased into the hills and the only escape was the relentless seas behind them. Moreover, the racial stigma which the Bill sought to inflict was keenly resented by every Indian. The Indians did not claim that they were superior to the White, but the fact remained that the Europeans had yet to show that they were in any way superior to them.

#### **Appeal for India's Support.**

The prospect before the Indians was no doubt gloomy, but the settlers were determined to fight to the last ditch. But they wanted the moral support of the people of their Motherland to stand by them in their struggle, because they were not fighting their own battle, but for the fair fame of India. They were like soldiers in the battle, and looked

forward to their Motherland for generalship. But if India was to give no help they were going to stand their test in the final act in the long-drawn-out struggle to uphold the good name of India. (Prolonged cheers.)

**Sir Chimanlal Setalvad proposed the principal resolution.**

The Chairman called upon Sir Chimanlal Setalvad to move the principal resolution, which read:—

- (a) "That this meeting of the citizens of Bombay held under the joint auspices of the Imperial Indian Citizenship Association, the Indian Merchants' Chamber and Bureau, the Bombay Provincial Congress Committee, the Central Khilafat Committee, the Bombay Swaraj Party, the Bombay Muslim League, the National Municipal Party, the Rashtriya Stree Sabha, the Parsi Rajkiya Sabha, the National Home Rule League, the British Indian Colonial Merchants' Association, the Bombay Progressive Association, and other Associations, views with the gravest apprehension, and enters its emphatic protest against, the Areas Reservation and Immigration and Registration (Further Provision) Bill, which is in violation of the 1914 Gandhi-Smuts Agreement, and has for its object the compulsory segregation of Indians, the deprivation of their trading and proprietary rights, and the ultimate elimination of the Indian community, as openly declared by Dr. Malan, Minister of the Interior.
- (b) This meeting earnestly requests the Government of India to urge upon the Union Government the necessity of a round table conference before any further action is taken by the Union Government in respect of the proposed Bill; and should their reasonable proposal be declined and the Bill forced through the Union Parliament, this meeting appeals to his Excellency the Viceroy to advise the Imperial Government to disallow the measure under section 65 of the South African Act."

In moving the resolution, Sir Chimanlal Setalvad said that the treatment of Indians in South Africa had been for many long years the history of broken pledges, plighted words and a series of insults and humiliations with the express and avowed object of squeezing the Indians out of South Africa. He recalled the period when the treatment of

Indians was one of the contributory causes of the Boer War. When the Transvaal Republic was under President Kruger a legislation was introduced which provided for residential segregation of Indians. Even President Kruger did not attempt commercial segregation. When the Boer War was declared, Lord Lansdowne mentioned that the treatment of Indians was one of the causes of the War. The speaker read out from Lord Lansdowne's speeches where the principle of residential segregation was condemned in unequivocal terms. Then came peace between the Boers and the British, and it was hoped then that the policy of segregation would be a thing of the past, but, looking to the recent happenings since the declaration of peace and the establishment of the Union Government, it was no exaggeration to say that the South African Government had broken all their pledges. The inevitable effect of the new legislation, to protest against which the deputation had come over to India, must be to drive them out of South Africa. But what made their blood boil was the fact that such a treatment was made possible within the British Empire.

#### **A Note of Warning.**

Memories were short, otherwise those who were responsible for or condoned the present humiliating treatment of Indians in South Africa ought to realise that they were heaping coals on those very people who came to the timely rescue of the Empire at a most crucial moment in her history. Have they forgotten the battle of the Marne? If India, which stood steadfastly by the Empire in her sorest trial, was going to be treated in this manner, and if the Imperial Government would not respond to their appeals for the barest justice, if these inhuman things could possibly happen under the British Empire, the speaker said he had his own serious misgivings about the future of the British Empire.

Sir Chimanlal concluded by warning the South African Government and its Ministers to take heed before things took a more serious turn, and, if there was any statesmanship yet left in them, to set right the evil by vetoing the Bill.

**Mr. M. A. Jinnah** seconded the principal resolution.

Mr. M. A. Jinnah, in seconding the resolution, said that the subject had passed the stage of discussion and debate. The matter had not been attempted to be treated as a subject that could be discussed on its merits by the Minister of the Interior who had from the beginning

frankly told them that the Indians as a race formed an alien element. Not only this, but the Minister saw no other solution to the question except the one which would result in a very considerable reduction of the Indian population in South Africa. The whole object of the present Bill was meant to eliminate our countrymen, and thus carry out the recommendations of the Asiatic Enquiry Commission.

### **Commercial and Residential Segregation.**

Mr. Jinnah pointed out that the provisions of the Bill were intended to bring about commercial, residential and land segregation. The conclusion was obvious. The Union Government was trying to drive out the Indians. He referred to the Smuts-Gandhi Agreement which contained a most vital clause safeguarding the vested rights enjoyed by those Indians residing in South Africa. The Minister at the time had given a promise on behalf of the Government that they would always continue to administer the existing laws so far as it related to vested rights. "But what do we find to-day"? asked the speaker. An additional law is being enacted before the Union Parliament to segregate the Indian community commercially, residentially and with regard to land.

Mr. Jinnah said he had read in the past of some Czars who were capable of such inhuman deprivation of property, but there they had a member of the British Commonwealth of Nations trying to legislate for the complete destruction of the vested rights of the Indian subjects within the Commonwealth. That was the situation, and although they were indignant and grieved, he felt that they were helpless to redress their wrongs.

### **Lord Reading's Reply to Deputation.**

Referring to Lord Reading's reply to the deputation which waited on him, Mr. Jinnah said that he did not consider it a full and real statement of the Indian position. The Viceroy had stated that he fully understood the depth of the Indian feeling with regard to the Bill, but he told the deputation to remember that the issue was now in South Africa. South Africa was a Dominion and its Parliament had full power to pass legislation regarding its internal affairs. Mr. Jinnah said that he most emphatically protested against that statement (cheers). When the Union Government Act was passed a section was deliberately provided

in the Statute under which his Majesty had power to disallow any measure that the Union Government might propose. He wished to know whether that was not the time to veto a bill, which was calculated to deprive the Indians of their property. He urged the Viceroy to reconsider the position and ask the Imperial Government to disallow the Bill.

Mr. Jinnah next took exception to the Viceroy saying that they could not interfere in the "domestic affairs" of another Government. He wanted to know whether protection of a number of the British subjects from an illegal piece of legislation was interfering with "domestic affairs." The situation was a grave one. He could only say this; that the case of the South African Indians was morally and legally and in every other respect a just one. He assured the deputation that the country would help them to keep the fair name of India (cheers). He added: "Do not yield, do not yield even your elementary rights." (Loud cheers).

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**Sir Stanley Reed supported the principal resolution.**

Sir Stanley Reed, supporting the resolution, said that there was one question on which there was absolutely no division of opinion, and that was they were determined to secure to every Indian abroad the full rights of citizenship. The Class Areas Bill, he thought, was an ignoble attempt to go back on the Smuts-Gandhi Agreement, which secured full development for Indians in South Africa. It gave him great pleasure to support the resolution because he felt Indians had a right, wherever they might live, to avail themselves of every opportunity of reaching their full social and economic stature. It appeared to him that the policy now threatened by the Union Government had a far-reaching effect, in that it not only hit their countrymen socially and economically, but it went even beyond this by threatening to strike at the root of civilization itself. (Cheers). If his reading of history had taught him one lesson it was that no Government could thrive on injustice in which all civilizations must inevitably rest. For these reasons he seconded the resolution and commended it to their unqualified support. (Loud cheers).

**Mr. H. P. Mody further supported the resolution.**

This resolution was further supported by Mr. H. P. Mody, who said that they had held numberless meeting and sent various despatches and deputations, and framed petitions and protests. All these practically proved to no purpose. The situation had steadily grown worse

and they were faced with a position in which the honour of their countrymen was threatened and their existence made intolerable.

Proceeding, the speaker said that he for one was not surprised at it. On the one side was a country which believed that its economic life was threatened by the existence of a frugal and industrious population and which was determined to hound them out of the country regardless of all ethical or political considerations. On the other, was a dependency which had just learned to open its voice and which, in spite of its representatives at Imperial Conferences and the League of Nations sittings, had no more influence on international relations than a third class Indian State. On the one hand there was a Government determined to protect its Nationals against even a fair and open competition; on the other, there was a Government which was indifferent even to the most unfair and insidious competition and which looked placidly on, while countries with depreciated exchanges and sweated labour benefited our markets and pushed our goods out.

The Imperial Government, while it was supremely indifferent, was supremely impotent and would not and dared not impose its will on the Government and people of South Africa.

Concluding Mr. Mody said: "The situation therefore is desperate and I do not see what else was left to us but retaliation if this last effort at settlement by negotiations fails. Even if its scope is limited, the moral effect would be considerable. If in the result, the lot of our countrymen in South Africa is made more difficult, I hope India will stand by them and give them all the moral and material assistance they will need in the hour of trial. They have played their part worthily in this great struggle. Let us make them feel that the part we play is no less worthy."

#### THE RESOLUTION WAS UNANIMOUSLY CARRIED.

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Mr. J. B. Petit moved the following resolution:—

"That this meeting further urges that the Government of India should at the earliest possible opportunity, in consultation with the Legislative Assembly and the Council of State, send a strong deputation to England consisting of Indian leaders of all parties, including representatives of the South African Indian Congress, to place before the British Cabinet, Parliament and Public the grave consequence of the Anti-Indian policy of the South African Union Government as illustrated by the Asiatic Bill."

He said that India had always refused and would always refuse to assume that the question of the treatment of Indians in South Africa, or for the matter of that in any colony, was purely a matter of internal management. He declared that this country would always insist on maintaining that this problem of Indians in South Africa was a far larger one and could not be dealt with in a rough and ready manner. He said it was a national question so far as India was concerned; and was of the utmost importance to the British Empire, from the standpoint of its solidarity.

Mr. Petit said that there was a consensus of opinion among all parties that a representative deputation should be selected by the two Houses of Legislature of this country to be sent to England at the earliest possible moment in order that the intensity of feeling and the depth of resentment prevalent in India could be placed before the British Parliament, Government and Public.

He desired this deputation to go and tell the British public that the patience of the Indian people was exhausted, that the South African policy was not merely a wanton insult to the South African Indians and India; but also to the British Empire and to humanity. It should also tell them that if the present policy was carried to its logical conclusion, the South African Indians would have to turn out even Jesus of Asia,—a position, which was grotesque and ridiculous.

Concluding Mr. Petit said the time had arrived when the British public should be told that this country was determined to fight to a man this iniquitous Bill. "We wish to tell them in unequivocal language that this is the beginning of a great war—a war which is going to be mightier than even the war of 1914. It is going to be a war between the entire white races on the one side and the coloured nations of the world on the other. We feel that our cause is just and righteous, and that we shall win in the end."

**Mr. Bhulabhai J. Desai seconded the above resolution.**

Mr. Bhulabhai J. Desai, in supporting the resolution, observed that it was really puerile from the point of view of International Law to say, that because a majority had an overwhelming voice in the Legislature, therefore the minorities must be deprived of any vestige of property. It was nothing short of a lawless law. The speaker thought that when they found a race was conceited, was lost to its sense of justice, when it

failed to recognise that there was anything wrong in what it was doing, the limit was reached and called for strong concerted action. He thought the present crisis was the beginning of the end of the struggle. He quoted the historian Seely to show that when a nation became arrogant and dealt in injustice that nation was doomed.

**The resolution, on being put to the vote, was carried.**

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**Mr. Joseph Baptista moved:—**

“That this meeting authorizes the Secretaries to forward resolutions Nos. 2 and 3 to the Government of India.”

Mr. Baptista referred to the conflict between the white and the coloured races, which, he said, had grown worse. The Indians had suffered and were suffering a great deal at the hands of South Africans in spite of the fair promises of British Ministers. The tale of indignities told by Dr. Abdurahman made his blood boil. But now matters were getting worse as the anti-Asiatic legislation clearly showed. But the speaker was proud to find such leaders as Dr. Abdurahman in South Africa who, he was convinced, would put a stiff fight for the outraged honour of Indians.

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**Mr. Lalji Naranji supported the motion, which was unanimously carried.**

—o—  
**Mr. M. R. Jayakar next moved:—**

“That this meeting pledges itself whole-heartedly to support the Indians in South Africa morally as well as financially in their just, noble and honourable struggle against the consolidated forces which threaten their existence in that part of the British Empire.”

Mr. Jayakar said that the resolution entrusted to him called upon this meeting to support the Indians in South Africa in their struggle. A number of speeches had already been made which clearly indicated the nature of the struggle. He did not wish to tire the audience with a long speech at that hour. He only wished to say that the moral significance of this struggle was very great because on its success or otherwise would depend the claims of England to establish a Commonwealth consisting of various races and creeds, all sharing the burdens of a united Commonwealth. It was to his mind a rather difficult experiment because one nation alone had tried it in previous times and failed. It now re-



mained to be seen whether England would now succeed in this experiment and the test of its success or failure was largely involved in the way in which the claims of Indians in South Africa were met.

The speaker, continuing, said that he should have thought that having regard to this essential element of the struggle, Englishmen would be more anxious that it should succeed than Indians would be, because the onus of making this experiment a success would lie more upon the Englishmen than upon anybody else.

The story of the Indian struggle in South Africa, he said, was one continuous episode of humiliation after humiliation. There were very few redeeming features in it and there were many people in India and outside who were watching the result of this struggle, as proving the important moral whether it was possible for a white and coloured people to share the privileges of a United Empire.

Concluding, Mr. Jayakar said that the deputation must make it clear that if they did not get justice in this case, the country and its people would have lost their faith in British justice and the loss would be England's. Nay, even more, England would lose this country. (Cheers).

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The motion was seconded by Mirza Ali Mahomed Khan and supported by Mr. Meyer Nissim.

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In further supporting Mr. Jayakar's motion, Mr. Horniman said he was glad to find that all political parties had united to fight against a measure which affected them all. He wished that the same spirit actuated them always, for then the realisation of Swaraj would become an accomplished fact. Speaking on the subject matter itself, Mr. Horniman said that everyone in this country should do everything possible to help the South African Indians in their struggle. The resolution, on being put to vote, was carried.

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A cordial vote of thanks to H. H. the Agha Khan, proposed by Mrs. Sarojini Naidu, and seconded by Mr. K. Natarajan, was carried with acclamation. The meeting then dissolved.

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Referring to Bombay's Public Meeting of protest against the Indian policy in South Africa, the "Times of India," in the course of a leading article of its issue of the 18th January 1926, stated:—

—o—  
.....The proceedings were on the whole characterised by sobriety and reasonableness.....And it is assuredly true that the situation has considerably developed since His Excellency the Viceroy

addressed the South African Indian deputation upon it. At first sight there seems to have been a great increase of hostile sound and fury but we must be on guard against fright on that account. The Union Government have continued to demonstrate their determination to adhere to the principle of their faithless legislation. But they could be expected to do nothing else. General Smuts gives no sign of treating the problem conformably with his frequent pious ejaculations that anything damaging the solidarity of the Empire would be disastrous. But in principle his attitude towards the Indians has always been the same as General Hertzog's, at any rate since General Botha disappeared. The Labour Party in the Union have plumped for the Class Areas Bill. But that merely affords another illustration of the hollowness of Labour professions of love for India, whether they are uttered in Africa, or in England or in India. Mr. Andrews foreshadows the hastening of the hostile legislation, so as to get it passed before the Government of India can make their objections more effective. But we think more of Mr. Andrews as an evangelist than as a news reporter, and when he talks of the Bill being, perhaps, passed before the Government of India get their Deputation's report, we are pretty certain he is wide of the mark, for we have not the slightest doubt that the Deputation are reporting telegraphically, stage by stage. Far more significant than all these gloomy signs, in our opinion, is the profound awakening of honest feeling against the Bill in South Africa. That is the most important development. We have just been reading an admirable statement of the Indian case in an address delivered by Mr. Andrews to a large European congregation in Johannesburg Cathedral and at a subsequent meeting of clergy and laity in that city. According to Reuter, that has been followed by a courageous declaration by the Bishop of Pretoria that the Class Areas Bill is a measure that treats solemn engagements as a scrap of paper. How serious are the heart searchings on these lines is shown by the *Cape Times'* efforts to explain away the justice of the Bishop's condemnation.

In these circumstances the action of the Calcutta Municipal Corporation, "retaliating" upon South African citizens in India, is simply mischievous, but the ballot giving place to a discussion of the South African question in the Assembly on the 28th of this month we heartily welcome. It should usefully centralise discussion in India in the proper forum and the occasion should be utilised to clear up a lot of misguided opinions finding vent in the press and elsewhere. We hope the House will show

that it can rise to the height and dignity of an important occasion as well as the first Assembly more than once did. Members gave such a proof in Simla in September, when their leaders refrained from raising a debate lest it should do harm to the delicate negotiations in progress. We could offer no better help to the mover of the somewhat roughly drafted resolution now tabled than to remind him of the Viceroy's wise advice that a good case never suffers through moderate statement. We cannot expect Government in replying to him to open their hearts in the same way as unofficial members, in their position of greater freedom and less responsibility, can do, but we hope they will make a reply that will not only be a response to the Resolution but will carry comfort to the pent-up human passion which the behaviour of the Union Government has aroused throughout the land. After that, we should like a motion from the unofficial side to refer the Resolution to the Standing Emigration Committee, with the party leaders added to it as in Simla, so that there may be private consultation between Government and the unofficial benches and as the outcome of that the drafting of an amendment to the original Resolution which will set forth to the Empire and to the world a concise and worthy statement of the Indian case.

We doubt whether many in India realise how impossible is the righting of the South African situation by a mere stroke of the pen or visualise the greatness of the Imperial problem which it has forced into prominence. The beginning of the trouble we may accept to be the innate racial hostility of the Boers to which the Union Government's Asiatic Commission pointed in 1921. The imperial Government knew of and provided against this year earlier, by insisting on the inclusion in the Union Constitution of a provision specifically limiting the rights of the Union in the internal management of its affairs when they affected Asiatics. Circumstances have since then through the operation of economic forces brought the British settlers in the Dominion so closely into line with Boer sentiment that the Imperial Government when faced with the question whether or not to interfere in behalf of the Indians have found discretion the better part of valour. They have not ever seen their way to stop their Governor General from setting his hand, in assent, to measures that break faith with India. When the Imperial Government thus find themselves unable to play an effective part in a dispute between one section of the King's Dominions and another, with the result that events which would be mischievous to the whole Imperial family may be allowed to happen there is evidently something seriously wrong in the imperial organisation.

We are hearing suggestions that India should appeal to the League of Nations. That, of course, is worse than wrong. The appeal lies to the British League of Nations, that is to the Imperial Conference. The proposition raises terrific issues. But the Conference has hitherto in this very complicated emigration question, dealt honourably with India and we trust that Indian leaders will take care to avoid estranging the sentiment of imperial cousinship which it has hitherto extended to them. This South African question is not the only one which has recently arisen from imperfect imperial organisation. The urgent need of an early meeting of the Conference to unravel several complications is constantly under debate. The issues call for patience, patience and again patience, and meanwhile, as the scene where the battle for Indian rights is being fought is obviously South Africa, the duty of India towards her children there is to bear up the hands of those who are struggling in their behalf by negotiation with the Union Government and by public argument with the people of the Union and to avoid weakening them by impulsive indiscretions.

The following is the leading article from the "Bombay Chronicle" of the 16th January 1926:—

#### **The Last Ditch.**

The proceedings of the public meeting held yesterday to protest against the South African oppression were characterised by painful restraint. The organisers were anxious that the demonstration should be blameless and decorous, and they are entitled to a feeling of satisfaction that the speeches were delivered in moderate key. Mr. Jinnah, however, presented the incongruity of dialectical protests after the futility of forty years; indeed, the general sentiment was that Indians should frame a programme of action in view of the obduracy of the South African Government and the silent collusion of the Imperial Government. In the ultimate analysis of constitutional relationship and racial antipathy, we cannot minimise the responsibility of the British Government. The South African deputation appealed to India for the protection of Indians against the persecution, but in it there is the desperate monotony of past experiences. As His Highness the Aga Khan pointed out, we have for forty years protested against the growing harassments of our brethren abroad and it is difficult to recall the incidents of remonstrance without losing heart on the eve of the last and most critical struggle. If anything,

the Indians have in their peril under-stated their claims. Instead of giving a final statement of their irreducible demand, they have been asking for a round table conference to discuss the issues. A conference involves no commitments, and the refusal of the Union Government to entertain the proposal marks their hideous stubbornness against all suggestions of compromise. Speaking in the South African Parliament, Dr. Malan confessed that the object of the Bill was to reduce the Indian community. With the object thus flagrantly avowed, it is difficult to rely on the arts of persuasion. The Union Government seem to be so set upon their evil course that they are afraid of facing contrary facts in straight negotiations. Let it be observed that Mr. C. F. Andrews, in his despatches, does not harp upon the efficacy of a round table conference without some concurrence of principles. The policy of the South African Whites is to exterminate the Indian and to exploit the African with a free hand, and we see encouragement in the recognition of the "natives" that the Asiatic is incidentally fighting for their own interests. We are for a life and death contest, and what the meeting has done is to suggest a deputation to England while pledging India to the full support of their brethren in South Africa during the struggle that is imminent.

Dr. Abdurahman's statement was cogent and convincing, and it was a timely answer to the Cape press which had launched upon the business of explaining away the obligations of the Gandhi-Smuts Agreement. The white community is perfectly safe in abiding by the Agreement and it is arrant greed to represent the existence of the Indian as a trespass on South Africa. The Indian in Natal had been invited as a guest of honour, and when the province was on the verge of arid bankruptcy the Indian rescued it. South African history refutes the mendacious after thoughts of the white exploiter. Morally the domiciled Indian has as much right to pursue his peaceful avocations as any unit of the scourgings of Europe. The Indian is no trespasser but a citizen whose contribution is at least as vital and authentic as that of the European squatter. The meaning of segregation, residential and commercial, was lucidly explained by Dr. Abdurahman, and his description of calculated tyranny thoroughly warrants the censure of Bishop Talbot. The South African dislikes the condemnation of religious testimony. While he tries to wriggle out of General Smuts' compact, he chafes at the exposure of his selfishness by the canons of his own faith, and therefore Mr. Andrews and Bishop Talbot are being advised to give pulpit homilies

without any allusion to the iniquity of current practice. Nearly three thousand years ago, an attempt was made in the northern region of Africa to keep a slave population. The Pharroahs of the Oppression decreed that the sons of their Hebrew-serfs should be slaughtered in order to keep them reduced on Dr. Malan's principle of safety. The attempt failed and the story is a commonplace among preachers whom the South Africans petulantly want to keep sermonising. We are grateful for the testimony of men like Bishop Talbot, which goes a long way to corroborate the account of the South African deputation. Think of the humiliation of Indians being driven from pillar to post, by the trick of proclaiming deproclaiming and re-proclaiming areas. It is a deliberate attempt to concert the extermination of a section of the community for the aggrandisement of another; it is the policy of massacre in disguised and diffused form.

Mr. Jinnah asked whether we were not past the stage of deadening remonstrance. The delegation to England may do some good, but South Africa is bent on her course of despoliation. Two things a delegation may be able to achieve: the first to persuade British statesmen that the occasion justifies the use of the Imperial veto; and the second to impress upon honest Britishers that it is India's impotence at home that is at the root of her humiliation abroad. With regard to the first plank of propaganda, the resolution of yesterday's meeting was right and pertinent. The provocation of South Africa has been so great that a firmer demand is justified, but tentatively the proposal of constitutional veto is a valid expedient. The case for intervention is further strengthened by the discussion of Imperial conferences that Indians already domiciled should be safeguarded from persecution. To say that the problem is economic, is a scholarly way of camouflaging the race-arrogance behind the propaganda. If Indians are underpaid, the solution is to standardise wages at a high level instead of decimating a loyal, industrious and well-behaved population. The second plank is really the most vital, and Mr. Horniman drew attention to the attainment of self-respect in India as the avenue of esteem overseas. Dominated and despised in India, the Indian is treated with scant respect in the Colonies; and from the determination of Indian's in South Africa, we wish we had more of that indomitable type in India itself. The public meeting pledged itself to the support of Indians in the imminent struggle. Mr. Jinnah said "Do not yield," but when it comes to our turn to help, we should not be content with mere vociferation. As race-arrogance is a common trait of the Britisher

whether at home or in the Colonies, we should be prepared for bold action in India to synchronise with the struggle of Indians in South Africa ; else our assurances to the South African will be condemned as ornate mockery.

(From the "Indian Daily Mail" of the 16th January 1926.)

### **BOMBAY'S PROTEST MEETING.**

Dr. Abdurahman, the leader of the Indian delegation from South Africa, described the public meeting held at the Excelsior Theatre yesterday as magnificent. That description was literally true. The large theatre was packed from floor to ceiling by people of all castes and communities in Bombay. On the platform were the leaders of every school of politics. The chair was taken by His Highness the Aga Khan, who, himself above all politics, occupies in Indian public life a position of unique and uniting influence which is acknowledged by all parties. The problems relating to Indians outside India have always engaged his deepest interest, and as he has seen their actual condition with his own eyes in different parts of the world, his pronouncements on the subject always been characterised by a vivid personal touch not possible to those whose information has not been obtained first-hand. His address at Friday's meeting was a conspicuous illustration of this quality. He referred to the first meeting at which he presided thirty years ago in Bombay to protest against the treatment of Indians in South Africa and the many subsequent occasions in which he had participated in the effort to secure civilised treatment for our fellow-countrymen abroad. In weighty and forceful phrases he showed that the ill-treatment to which Indians were subjected in South Africa, was not due to any defects of theirs, but to race and trade jealousy on the part of the white colonists. We earnestly trust that his appeal will not be lost upon those who have the guidance of White opinion in South Africa. Notwithstanding the long tale of injustices which he recounted, his Highness still believes that the white men out there have a conscience. And we believe he is right. The recent emphatic protest of the Bishop of Pretoria against the contemplated anti-Indian legislation is an articulate expression of that conscience, and we too cherish the hope that once it is roused, it will see that justice is done to Indians.

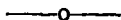
Some people ask, and more than one speaker at the meeting asked, what was the good of our protest when the South African white politi-

cians are resolved to oust the Indians from that part of the Empire. The answer to the question is simple. The politician is a creature of circumstances. We do not think that either General Hertzog or General Smuts approves of the persecution of Indians in his conscience. Indeed, General Smuts at least has expressed for Indian culture and civilisation a very high regard. On one memorable occasion, in reply to an interruption at a public meeting, he declared that there were Indians the latchets of whose shoes many of them were unworthy to unloose. It is impossible to think that he does not realise the injustice of the proposed anti-Indian measure. But he is a politician who has to hold his own against other politicians, which he cannot do unless he sings to the prevailing popular tune at the moment. If the conscience of the white masses is touched and a different and more reasonable frame of mind induced in them, these very politicians will become the most anxious agents for undoing the mischief wrought by recent anti-Indian measures in South Africa. Our protests have, therefore, a specific and concrete value, which is enhanced, and not decreased, by their being couched in restrained and dignified language. Our purpose is to convince and to persuade and not to denounce and hurt the susceptibilities of the white people of South Africa. While on this point, we should not omit to express our high appreciation of the great work which Mr. C. F. Andrews is doing for us in South Africa. The ringing protest of the Bishop of Pretoria is in large part due to him. Mr. Andrews' greatest service, however, is that he has compelled, by his writings in the British and South African Press, the supporters of the anti-Indian policy to come into the open and defend their position by arguments, which till now they have disdained to do. A matter which has become the subject of discussion is no longer sacrosanct. The South African Whites having stepped into the arena must sooner or later submit to the verdict of human reason on the issues involved. So long as they refused to discuss their Indian policy on its merits, we were helpless. Now that Mr. Andrews has forced them into discussion, they can no longer take refuge in their constitutional right to do as they please in their own country.

One of the South African Ministers recently told a deputation that Indian leaders were only using the grievances of their countrymen in the Dominion as pawns in a political game. They wanted to get Swaraj for themselves, he said, and they were merely exploiting South African Indians for that selfish end. Even if this was a true statement of facts, there would be nothing for us to ashamed of. If India becomes self-



governing, the benefits which would accrue therefrom will not be confined to Indians in this country. They will extend in the same or even greater measure to Indians abroad. It is, however, worthy of note in view of the South African Minister's taunt, that, with a single exception, none of the many speakers at the public meeting even glanced at this aspect of the grievances of South African Indians. Some of them spoke of the conflict between the white and the coloured races which the anti-Indians policy of the Boer-British Dominion is calculated to precipitate. Some others spoke of the struggle as but an aspect of the age-long conflict between East and West, Asia and Europe. Yet others referred to the imminent danger to the British Commonwealth inherent in the persecution of the people of one part of it by those of another part of it. But none of them even alluded to any bearing which the South African Indian's grievances may have upon the aspiration for self-government in India. The absolute disinterestedness of the whole proceedings raised them high beyond the taint of any self-regarding political motive. The Bombay meeting, we hope, will be the precursor of many similar meetings throughout the country, conducted in the same spirit of faith, hope and charity. It may be that, in the wisdom of Providence, the South African question is being pressed upon the attention of the people of India as a rebuke to the petty caste and communal dissensions which play so large and disastrous a part in our public life. The union of all parties, illustrated at the meeting, to get justice done to our people in South Africa, may well be the starting point of a new and beneficent era in our internal politics. If this happens, we shall have good cause to thank the South African Whites for shaming us into unity. We trust that the South African Government and the British Government will not fail to realize the deep significance of the various speeches made at Friday's meeting. It is in their power by judicious compromise even at this moment to allay the growing indignation in this country and restore among the Indian people the belief in the innate sense of justice and fair-play of the British people. Delay may mean the irrevocable loss of a great opportunity.



## THE SOUTH AFRICAN INDIAN DEPUTATION.

### Representation to the Viceroy.

His Excellency the Viceroy received the South African Indian Deputation headed by Dr. Abdurahman on Saturday, the 19th December

1925, at Calcutta. The following is the full text of the statement submitted by the Deputation:—

To

HIS EXCELLENCY THE RIGHT HONOURABLE

RUFUS DANIEL ISAACS, EARL OF READING,

P.C., G.C.B., G.M.S.I., G.M.I.E., K.C.V.O., &c.,

Viceroy and Governor-General of India.

MAY IT PLEASE YOUR EXCELLENCY,

We, the undersigned, A. Abdurahman, J. W. Godfrey, Amod Bayat, Sorabjee Rustomjee, V. S. C. Pather, Bhawani Dayal, and A. A. Mirza, delegates of the South African Indian Congress, duly appointed at the fifth session held in Capetown on 9th November, 1925, desire to thank Your Excellency for receiving the deputation, and respectfully beg to submit to you a short statement of the present position of Indians in South Africa and of the effect of the Areas Reservation and Immigration and Registration (Further Provision) Bill on their future status.

Sir, you will, doubtless, recollect that you were pleased in March, 1922, to receive a deputation of South African Indians, supported by Sir Jamsetji Jeejeebhoy and other prominent and influential leaders of Indian public opinion. That deputation not only placed before Your Excellency very fully the position of Indians as it existed then, but they also stated that, in the light of the sustained and irrational anti-Asiatic campaign in South Africa, the Indians viewed the future outlook with the gravest apprehension.

We feel assured that Your Excellency has since then watched with more than ordinary care the trend of South African legislation; that you are acquainted with and have viewed with disapprobation the promulgation of two Provincial Ordinances which quite recently deprived Indians of the Municipal and Township franchise in Natal, and the adoption of other Ordinances which place further restrictions on their trading and proprietary rights. Convinced that Your Excellency knows all this, and being aware that you have also kept in close touch with the South African Government, we feel that it would almost be an act of superegration to restate the case of Indians as it exists to-day.

Nevertheless, Sir, permit us to summarise briefly our existing grievances. This will show up more glaringly the impossibility of Indians to survive and retain their manhood under any further imposition of restrictions, and, moreover, it will emphasise more fully and clearly the

dire effects on them of the Areas Reservation and Immigration and Registration (Further Provision) Bill—the Bill which has driven us, as a last resource, to seek your aid in the calamity which stares us in the face and which threatens to overwhelm the whole Indian community. Briefly then the position is as follows.

#### **Cape Province.**

In the Cape Province there are approximately 8,000 Indians, who enjoy equally with other non-Europeans both the parliamentary and the municipal franchise. No restrictions have so far been placed upon them which do not also apply equally to other non-Europeans. They are still free to purchase fixed property, to trade and to reside where they choose ; and, except that applications by them for permits to trade are frequently refused solely because they are Indians, as was pointed out by the Asiatic Inquiry Commission of 1921, we are glad to say Indians have no complaint to make either against Europeans in that Province or the Government.

#### **Orange Free State.**

In the Orange Free State there are only about 200 Indians, who were allowed to enter that Province on the strict understanding that they remained in the domestic service of Europeans. Immigration on any other condition is strictly forbidden.

#### **The Transvaal.**

The Transvaal has a population of approximately 12,000 Indians. They have never enjoyed either the parliamentary or the municipal franchise, and they are prohibited by Act 3 of 1885 and Act 37 of 1919 from acquiring immovable property. So far, however, there has been little difficulty in obtaining trading licences. But in 1925 the Provincial Council passed the General Dealers Control Ordinance, which, according to the Administrator, is intended to regulate, control and restrict the granting of licences to Asiatics in future. The effect of the Ordinance has not yet been felt by the Indian community. But in view of the manner in which a similar law is being administered in the Cape Province where the anti-Asiatic feeling is comparatively mild, we have no hesitation in predicting that very few or no new licences will be granted in future. Furthermore, the Ordinance has been made retrospective. All licences, therefore, issued since July 1925, will in 1926 be regarded as new licences and will probably be refused when they come up for renewal, and in the case of refusal of new licences, there is no right of appeal.

Natal has an Indian population of about 140,000 of whom a large proportion are born in the country, being descendants of those who by their labour and industry transformed that Province from a wilderness into a garden. In the year 1896, Indians were deprived without the slightest justification of their Parliamentary Franchise, but no restriction was placed upon them with respect to the acquisition of fixed property or the right to trade and to reside where they chose. In 1908, however, the Natal Legislature passed two drastic measures: one was designed to stop the issue of new trading licences to Asiatics forthwith and the other to prevent the renewal of existing licences after 1918. These measures, needless to say, did not receive the Imperial Government's assent, and the trading rights of Indians were left undisturbed.

Thus, Sir, when the deputation waited upon you in 1922, although Indians experienced some difficulty in obtaining new licences to trade, and despite the fact that they suffered many minor indignities as a result of vexatious and restrictive regulations then in operation, nevertheless they still enjoyed the full municipal and township franchise equal with Europeans, and they still retained the right to own fixed property and to reside where they chose without let or hinderance.

Since then a change for the worse has taken place. Three Provincial Ordinances, the provisions of which are intended to be applied to the Indian community almost exclusively, have received the assent of the Governor-General-in-Council, despite very strong protests against them. Two of these Ordinances, namely, the Boroughs Ordinance of 1924 and the Townships Franchise Amendment Ordinance, 1925, taken together by one stroke of the pen, deprive all Indians of their municipal and township franchise rights respectively, although they possess the necessary qualifications, if their names are not already on the voters' roll. By a further clause in the first of these Ordinances, Municipalities have the power to prohibit the ownership or occupation or both of unalienated municipal lands by persons of Asiatic descent. The third Ordinance namely, the Rural Dealers Licensing Ordinance, creates Boards whose duty it is to consider all applications for licences to trade. Against the decision of the Board in the case of new applications as well as applications for transfer from one premises to another, there is no right of appeal. As this Ordinance is specially designed to restrict trading by Asiatics, and as it is administered in that spirit, it is not difficult for Your Excellency to conceive how Indians are suffering thereunder.

From this brief and consequently inadequate summary of the oppressive and differential laws in operation to-day in South Africa, it will be seen that further restrictions have been placed on Indians after the interview of 1922, and that the fears which Indians then entertained had been well-founded. But, Sir, we are to have no respite, and once again we are confronted with an outlook that seems even darker and more dismal. As if the cumulative effect of the many irksome regulations, the indignities we suffer, the curtailment of our rights, the abridgment of our privileges—as if the cumulative effect of all these was not sufficient to crush the Indians in time, a section of Europeans are prosecuting their one sided and unjust racial warfare with such intensity and vigour as to convince us that they will not halt until they reach a point just short of wholesale extermination of Indians.

In response to the clamorous demands of these racialists, the Union Government introduced last Session into Parliament, and have promised to place on the Statute Books during the forthcoming Session, what is known as the Areas Reservation and Immigration Restriction (Further Provision) Bill, which, as Your Excellency knows, is the primary, if not the sole cause, of our having been deputed to seek your aid in the hour of need.

The Bill on the face of it is pure "Class Legislation." That it is intended to be administered solely against Indians, is quite clear from the fact that all other Non-Europeans, namely, Cape Coloureds, Natives, Malays, Mauritian Creoles, and St. Helenas are exempted from its operation. Its object, as is plainly stated, is to drive Indians into locations or areas, reduce them to Industrial serfs and thus ultimately hunt them out of South Africa. This is clear not only from the various sections of the Bill itself, but also from the speech of the Minister who, when introducing it into Parliament, said "that the Bill frankly starts from the general supposition that the Indian as a race in this country is an alien element in the population, and that no solution of this question will be acceptable to the country unless it results in a very considerable reduction of the Indian population in this country."

The principle of compulsory segregation for trading and residential purposes which is distinctly laid down in the Bill is one which the Indian community cannot, nay dare not, accept. Your Excellency assured the deputation of 1922 that you also were opposed to the principle of segregation and you inspired the Indian community in South Africa and the people of India with hope when you expressed yourself thus: "They

(the Indian Government) are equally at one with you in the objection you take to the commission's suggestion regarding voluntary segregation, whether residential or commercial." It is not difficult, therefore, for Your Excellency to gauge the bitterness and intensity of the feeling in South Africa against this Bill.

We desire also to state that the conditions which prevail in "locations" in which natives are compelled to live in many parts of the Union are appalling, due in every instance to the neglect on the part of Municipalities to supply and attend to the essential services requisite for a healthy and clean life. The Asiatic Inquiry Commission of 1921 reported against segregation as follows:— "We find ourselves wholly unable to support the policy of repression which was advocated by some of the witnesses. Indiscriminate segregation of Asiatics in locations and similar restrictive measures would result eventually in reducing them to helotry. Such measures, apart from their injustice and inhumanity, would degrade the Asiatic and react upon the European." Moreover, the Bill is in violation of the spirit and intention of the Gandhi-Smuts Settlement; for it was understood that no further anti-Indian legislation would be imposed and that the then existing laws would be administered in a just manner with due regard to vested rights.

For these reasons alone the Indian community cannot accept the Bill

Furthermore, the tightening up of the Immigration laws, the interference with the trading rights, and new restrictions with regard to acquiring ownership of land and acquiring leases, and the utter disregard of vested rights—all these taken together constitute such a formidable catalogue of new injustices that Indians are sure to be crushed under its weight. There is also no doubt that the clauses relating to the ownership of land, renewal of leases and of trading rights will spell financial ruin to the Indian community.

After the first reading of the Bill, the Indian community in the Union of South Africa, through the South African Indian Congress, passed the two following resolutions:—

1. That the South African Indian Congress in conference views with alarm the Areas Reservation and Immigration (Further Provision) Bill which is in violation of the 1914 Gandhi-Smuts Agreement, and which has for its object the compulsory segregation of Indians, deprivation of their proprietary rights and the ultimate elimination of the Indian community as

openly declared by the Minister of Interior, and begs to submit to the Government that on a matter of principle the Indian community of South Africa opposes this Bill in toto.

2. That this Congress urges upon the Union Government to consent to a Round Table Conference of representatives of the Union and Imperial Governments, the representatives of India, the Indian Government and representatives of the South African Indian Congress to consider the whole position of the Indians here and arrive at an honourable settlement.

These resolutions were presented by a deputation to the Minister of Interior on the 16th November 1925, who replied that he was not prepared to depart from the principle of the Bill; that as all political parties in the Union were unanimous on the Bill, he hoped to have it placed on the Statute Book, and that he was unable to state what final view either the Union Government or Your Excellency's Government would take in regard to the Round Table Conference as the matter was under discussion.

Our object to-day is, therefore, to impress upon the Indian Government the urgency of securing the Union Government's consent to a Round Table Conference in terms of the resolution aforementioned.

We would point out that even if this Bill does not become law, there still remains unsolved the question of Franchise Rights, Immigration, Education, Trading Licences, etc., and these are questions that call for an early solution.

The Indian community have at all times been law-abiding and are prepared even now to submit to any and all laws to which all other sections are made amenable. They have always been prepared to assist by every means to promote the welfare and progress of the Union.

We beg to place before Your Excellency our demands as law-abiding and respectful citizens of the Union, and as South Africans, to restore to us in the Cape Province and Natal the political rights of which we have been deprived, and to grant to us full political and civic rights in the Transvaal and the Orange Free State as enjoyed by the other communities of the Union. This will be one of the means of solving the Indian problem in South Africa.

In the event of the Union Government not acceding to the request for a Round Table Conference and forcing the Bill through Parliament inspite of Your Excellency's and our objections, then we would respect-

fully ask you to secure the King Emperor's disallowance of the Bill in terms of Section 65 of the South Africa Act, failing which to appeal to the League of Nations as the Bill contravenes the spirit and intention of Clause XXIII of the Covenant of the League of Nations to which the Indian Government is a signatory.

In conclusion, we again beg to thank Your Excellency for granting us this interview and sincerely pray that Your Excellency's efforts to secure for the South African Indians a status consistent with the honour and dignity of the Indian nation will be crowned with success.

We have the honour to be,

Sir,

Your obedient servants,

A. ABDURAHMAN,  
J. W. GODFREY,  
AMOD BAYAT,  
SORABJEE RUSTOMJEE,  
V. S. C. PATHER,  
BHAWANI DAYAL,  
A. A. MIRZA.

#### THE VICEROY'S REPLY.

Dr. Abdurahman and Gentlemen,—I am glad to have this opportunity of meeting you here to-day and of discussing the grave situation to which you have referred in your petition and observations. I have read and examined an advance copy of your petition with great care and have listened with deep interest to the further observations with which you have now laid it before me. Let me assure you that I have watched the position of Indians in South Africa with anxiety and sympathy for some years past and have taken all measures as opportunity offered from time to time which appeared to me and my Government calculated to ameliorate their condition. I am deeply grieved at the present situation. It is natural that you should seek to ascertain at first hand in India the feelings of the people and the Government of India on these questions and to fortify your cause with what you will undoubtedly carry away with you—the warm sympathy of the people and the Government of India. Great indignation has been felt and expressed in India and public opinion has been deeply pained.



### Round Table Conference.

It has been observed with apprehension that in introducing the Bill, Indians have been described as an alien element in the population of the Dominion, and intentions have been expressed of solving the problem by securing a very considerable reduction in the Indian population of the Union. Your deputation lays stress, and rightly so, on the necessity for a round table conference. This suggestion has been repeatedly pressed by me and my Government since it was first put forward by Mr. Thomas during his visit to South Africa. We urged the Government of South Africa in addition to agree to our despatching a deputation to South Africa to ascertain facts regarding the economic conditions of Indians and the effect upon them of the contemplated legislation so that we might be in the best position to make representation concerning these measures based on accurate local and latest information regarding the situation. Our concrete proposals regarding the deputation to that Government were made on the 9th October last and accepted by the Government on the 10th November. We at once took steps to constitute a deputation and informed the Government of South Africa that we were despatching it on the 25th November. The first information of your deputation which we received was in a Reuter's telegram of the 19th November. The decision to send the Government deputation was thus reached before we had heard of your deputation. We attribute importance to our deputation both because of the information it may be expected to procure and because we desired to lose no time in taking advantage of the assent of the Union Government to its visit. Although in many respects it would undoubtedly have been preferable if these two deputations had not crossed each other, yet there is no real duplication of functions, as we once apprehended, in a deputation from the Government of this country visiting South Africa at the same time as a deputation from Indians in South Africa visits India. The more light can be shed on this difficult question the better. The fuller the understanding the more likely that some avenue may be found to remedy the situation. I and my Government greatly hope that the deputation we have sent to South Africa may collect facts and make suggestions which may serve as a basis for fresh proposals on lines to which the Union Government may be disposed to agree. We also confidently expect that your deputation may help us with some constructive suggestions of value to the same end. I fully understand the depth of the feeling by which your community and Indian opinion generally is exercised.

**“I cannot consider the prospects hopeless.”**

I do not under-rate the strength of the apprehensions you entertain. Nevertheless, whilst it is natural that you should present your case with considerable vigour, it must be remembered that the issue is now in South Africa. South Africa is a Dominion. Its Parliament has full powers to pass legislation regarding its internal affairs. Feeling in South Africa is naturally sensitive to interference from outside in these affairs. I have never in my experience known a good case to suffer by sober presentment. I and my Government emphatically held that we have a right to make representation regarding a measure prejudicial to Indians domiciled in South Africa. It is a duty from which we shall never shrink and we claim that our views should be heard and considered. We have reason to know that our right to make representations and be heard is not disputed by the Union Government. Indeed, I gratefully acknowledge that they have on various occasions given effect to our suggestions. At the same time we recognise that the position of that Government must be respected and that no claim can be sustained by us of a right to interfere in their domestic affairs. Should the Union Government be unable in the end to accede to our request, we reserve to ourselves freedom to take such action as may seem desirable in the circumstances of the case. We have always kept His Majesty's Government fully informed through the Secretary of State for India of the strength of feeling in India on the question of Asiatic legislation in the Union and of our own views on these questions. I cannot consider the prospects hopeless. I believe that the Union Government will give careful consideration to our views, based as they are on facts and equitable consideration.

It is evident that in the absence of Indian franchise the Union Government recognise that they have a special responsibility for Indians in South Africa. The present Union have not yet carried any Anti-Asiatic legislation. The Colour Bar Bill was rejected by the Senate. The fate of the present Bill is still undecided. Let me remind you that I and my Government have carefully watched all proposals in the past for anti-Asiatic legislation. We have kept the Union fully apprised of Indian sentiments regarding these measures and of the objections to them. They have just received our representatives with the greatest courtesy, and I gladly acknowledge that in the past, action has frequently been taken to meet our suggestions regarding specific measures.

I am not sure that it is generally recognised that the Union Government have from time to time to meet representations made by my Gov-

ernment and the extent to which our protests and representations have achieved some success. Let me give a few instances. First as regards Draft Ordinances to amend the Natal Townships Law of 1881 in such a way as to deprive Indians of the township franchise, various drafts were introduced in 1921, 1922, 1923 and 1924 and regarding each in turn the Government of India cabled representations. The Governor-General-in-Council withheld assent to the first, reserved the second and fourth for further consideration and the third was not proceeded with. The fifth Ordinance of 1925 received the sanction of the Governor-General in-Council before our representations reached him. In 1925 also a Draft Ordinance to consolidate the Natal Townships Law was introduced which would have had the effect of disenfranchising Indians already on the electoral roll of townships. In response to our representations we have been informed that the ordinance is standing over until next year and that when it is proceeded with the franchise of Indians at present on the voter's roll will be adequately safeguarded. Again, as regards the Natal Boroughs Ordinance of 1925 we cabled representations. The Governor-General-in-Council at first reserved the Bill for further consideration but ultimately assented on the ground that they were unwilling to curtail the power of a provincial council to deal with a purely domestic legislation. Another instance is the Natal Rural Dealers' Licensing Ordinance. Various Drafts were introduced all of which were likely to affect adversely the trading rights of Indians. The Governor-General-in-Council withheld assent to the Draft of 1921, reserved for consideration the Draft of 1922 and assented to the Draft of 1923 after explaining how far he had been able to go in meeting our wishes. In the case of the Durban Land Alienation Ordinance of 1922 we cabled representations. The Governor-General-in-Council assented but instructed the Administrator in Natal to satisfy himself before approving racial restrictions in land sales that Asiatics were given reasonable opportunity for acquiring adequate residential sites. Take finally the Areas Reservation and Immigrations and Registration (Further Provision) Bill, 1925. The position is that the Government of India have already telegraphed very full representations regarding this Bill which they consider of the utmost importance and have received an assurance that their representations will receive the earnest consideration of the Ministers. It may also be noted that the Government of India have addressed a detailed despatch containing their views on the Asiatic Enquiry Commission's Report, 1921. This despatch has given rise to a long correspondence in the course of which

the Union Government have explained their general policy towards Asiatics. We are still engaged in discussion. I freely admit that in some cases the representations of my Government have been unavailing, as for example in the Natal Public Health Committee's Ordinance (1925). In the case of the South African Mines and Works Amendment Act of 1925 also we made representations, and though some changes were introduced to meet Asiatic susceptibilities, the principle of the Bill remained unchanged. Fortunately, however, the Bill was rejected in the Senate. In the case of the Class Areas Bill of 1924 we have also made representations but the Bill lapsed owing to the dissolution of the Union Parliament.

I have said enough to show that I and my Government, though not always successful, have been able to achieve something in the past and have every reason to believe that the Union Government will give the closest consideration to any proposals we may decide to put forward. Our deputation in South Africa is working to provide us with material to make and support our representations. We look to you also and shall welcome any constructive suggestions you are able to give us. The member of my Government in charge of this subject, Sir Mohammed Habibullah, and the Secretary of the Department, Mr. Ewbank, are present here to-day. I invite you to keep in close touch with them and give your views as regards all clauses of the Bill and their effect upon Indians. This is not the place to go into the question of details but it is important that they should hear your views upon these questions also. You may be assured that any detailed criticisms of the Bill you may have to offer will be most carefully examined by them both. I and my Government will welcome your assistance in giving through them concrete illustrations of the manner in which specific provisions adversely affect the position of Indians. As I hope I have already made clear to you, you may rely on receiving a very sympathetic hearing from the officers of my Government. We shall carefully and anxiously consider the best course to follow. It would be premature on my part to attempt to indicate the exact measures we may adopt, but you may confidently count on my warm personal interest in your difficulties and on the sincere desire of my Government to find a way to remedy those anxieties by which you are now oppressed. You may already be aware, and if not let me assure you, that whatever the differences that may exist in India on other political questions, there is unanimity of opinion regarding the position of Indians in South Africa. I and my Government believe that

any representations that may be made and any action that may be taken in the interests of India and the Empire on behalf of Indians in South Africa will have the whole-hearted support of the people. No course which can legitimately and constitutionally be taken will be left unexplored and all reasonable measures calculated to ameliorate the situation will be taken.

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The following is the concluding portion of Dr. Abdurahman's speech, which he delivered in submitting his Deputation's address to the Viceroy:—

“ Compare the position of the Indians to-day with that of the “ Outlanders ” in the Transvaal in 1898. Their grievances were nothing in comparison with what we suffer. The Indian grievances were made one of the causes for going to war. England must to-day take a firm stand. I am assured from what you, Sir, have seen in the statement and from what you know of the special grievances under which the Indians suffer, and from what you know of this Bill, that you yourself will to-day say to me and to us that the Indians are already suffering enough and that they cannot bear any more. But we have not told you the whole of the horrible picture of the sufferings of the Indians under the many legislative enactments. Having been segregated in areas and prevented from adding and acquiring lands outside the areas, what are the Indians then to do? There were no educational facilities for the Indian children. The Government spent something like £6,000,000 on education and out of that vast amount I think something like nearly 4,000,000 are spent in the Transvaal, Natal and Orange Free State. But of this latter amount about £100,000 are spent on Indian and coloured education and £100,000 on the native education. In the Cape, it is different. That province is more liberal. In the Orange Free State, to give you some idea of the attitude of some of the Europeans of every pound that is spent on education the huge sum of three farthings is spent on the non-European child: and nineteen shillings and eleven pence on the white child! There are practically no educational facilities at all for the Indian child or for any other non-European child to go beyond the sixth standard. To bar the Indian and other non-European child from learning a skilled trade, an Apprenticeship Act was passed, which says that before a child can be apprenticed in the printing trade he must have passed 7th standard. So it is also in other trades. In some trades it has been fixed at the sixth standard and very few non-European children reach that standard because there are no educational facilities. Take again the

**Liquor Law Amendment Bill.** Here the Indians and the Natives are specially excluded from being employed on premises where liquor is manufactured, stored or sold. This is done because the Indians are the waiters in most of the big hotels, and in order to oust them from this work the Bill provides that no native or Indian shall be permitted to work in a place where liquor is manufactured, stored or where it is sold. Then comes the Colour Bar Bill, which was rejected by the Senate last session but which will be passed this session. Then, again, no Indian may be in charge of a machine. I will not go into further details; but I wish to say that there are so many restrictive laws that it is impossible for us to hope an honest living in the future. I think I have exhausted my time-limit. I know Your Excellency is exceedingly busy. You quite understand that we are coming all this distance, because we are compelled to seek your aid in this crisis. I am glad that Your Excellency is indulgent and has permitted me to amplify our statement. I now desire to say, in conclusion, that if India finds that she is impotent, that she cannot help us in South Africa, for some reason or other that she cannot, though she might wish to do so, and that if she had the power she would do so, I would go so far as to say that I interpret Your Excellency's views on this point when I say that Your Government would do everything possible, if it could, to prevent this Bill from going through. I say if you are in such a position here that you cannot help us, if the position of India is such, her relationship with the rest of the British Empire is such that she must submit and allow her sons to suffer, then I hope one of these days that relationship will be changed, so that India can speak as she ought to speak like a free man say: "We will not allow our sons to be humiliated any longer because we have got the power to say no."

Your Excellency, we are going through this country and we are going to place our position fully before the Indians. We should go through the country and lay our position before the Indians in such a way that they will give you every support in anything that you might wish to do in bringing home to the South African Government, that if India were a free country to-day, if she were independent, she would not tolerate it for twenty-four hours. I thank you again, Sir, for having granted me so much time to express our views; and we trust sincerely that it will not be necessary for either the Indian Government or the Imperial Government to go to extremes in order to prevent this Bill from going through the Union Parliament and disgracing not only Indians on South Africa but the whole of the Indian Empire."

### THE VICEROY ON INDIANS IN SOUTH AFRICA

The following is an extract from the speech delivered by His Excellency Viceroy in opening the winter session of the Indian Legislature in Delhi:—(1926).

Let me now turn to a question which I know is uppermost in the minds of the members of the Legislature, and which is causing me and my Government most anxious thought. I need not recapitulate the whole situation as regards the position of Indians in South Africa, but I may observe that out of the total number of the Indian community in South Africa, about one third, approximately 102,000, are South African born, and are the descendants of indentured labourers in Natal, who were permitted to settle in the country on the expiration of their indentures. These people have made South Africa their home. I need not refer at length to the disabilities which have been imposed upon Indians in South Africa and are already in existence. They are of a serious and varied nature and embrace galling social disabilities, restrictions on the acquisition of political and municipal franchise, except in the Cape, regulations regarding inter-provincial movements, licensing laws and restrictions on the acquisition of land. There has been continuous progress in legislation in South Africa prejudicial to the position of Indians tending to make it increasingly difficult for them to proper or even exist in the Dominion. Against this legislation my Government has made repeated representations with varying degrees of success. In reply to an address recently presented to me by a deputation from South Africa I have dwelt on the representations made by my Government regarding past legislation in some detail and I need not traverse this part of the history again.

In addition to these disabilities further anti-Asiatic legislation has been recently introduced and is now pending before the Union Parliament. The purpose of this legislation is to empower urban authorities compulsorily to segregate Indians and to confine their rights of trading and of acquiring property to the limits of the areas assigned to them. The Bill also contains further restrictive provisions regarding the acquiring or leasing of land outside the coastal belt in Natal, immigration, importation of wives and families and inter provincial movements. The principle of segregation is not new. It was recognised by a Transvaal Act of 1885, but it was rigidly applied. Such locations as arose as a result of that Bill led the Asiatic Committee to condemn the compulsory principle. Indian sentiment has always been strenuously opposed to

compulsory segregation as inflicting a racial stigma. It is felt to be a breach of the Smuts Gandhi Agreement and a repudiation of a policy believed to have been established consequent on the recommendations of the Asiatic Enquiry Committee. The principle has been denounced by the Government of India and in Kenya His Majesty's Government have decided that it is not to be applied in townships.

The Bill, therefore, contains what appears to my Government to be a radically objectionable principle and the existing aversion to this policy has been intensified by the statement of Dr. Malan in introducing the Bill in the Union Assembly last July, when he said that the measure was based on the general proposition that no solution of the question would be acceptable unless it resulted in a very considerable reduction of the Indian population. I and my Government have kept His Majesty's Government in continuous and close touch with our general views regarding the position of Indians in the Union and this Bill in particular and with the strength of the feeling which the general disabilities imposed on Indians in South Africa and this measure in particular have evoked. We have also made it clear that we fully sympathise with the sentiment which all classes in India have expressed on these questions. Since April last we have been in continuous correspondence with the Government of the Union regarding this legislation and communications are still passing. We have repeatedly pressed upon them the suggestion that the situation in our view calls for a conference as regard their general policy towards Indians. In the alternative we invited them to make other suggestions likely to result in a permanent and satisfactory settlement. The Union Government have not found themselves able to agree to our proposals for a conference although they seemed inclined to agree to a conference restricted to the consideration of more effective repatriation scheme, which in their words will result in a considerable reduction of the Indian population in South Africa and to proposals for the mitigation of economic competition between Indians and other classes in South Africa and they asked us to formulate concrete suggestions regarding the latter.

We could not accept a conference whose main object would be to reduce considerably the number of Indians in South Africa. We were, however, prepared to consider the possibility of smoothing any difficulties that may have been found in their existing scheme of purely voluntary repatriation, and to make suggestions regarding vocational employment, when we had sufficient data, but we asked for assent before



entering upon any discussion about voluntary repatriation or making suggestions regarding our sending a deputation to South Africa to collect information regarding the economic and general position of Indians in the Union. On November the 10th the Union Government acceded to this request and we forthwith despatched our deputation, the purpose of which has been announced and published. In sending the deputation the immediate object we had in mind was the collecting of information urgently required by us, and we still kept in view the possibility of a conference to which we attach the greatest weight. Some criticism was at first directed in India to the despatch of our deputation. This was chiefly based on the fact that news of the visit of a deputation of Indians from South Africa was received about the same time, but in fact our decision to send a deputation was reached long before the arrival of the first news of the deputation from South Africa, which only came to us in a Reuter's telegram on November 19, just before it sailed. It was obviously desirable for us to take immediate advantage of the assent of the Union Government to the visit of our deputation. We desired in the first place to lose no time in collecting information which would enable us to deal with the suggestions of the Union Government. We were faced, besides, with this critical situation, that it was contemplated in South Africa to proceed at an early date in the New Year with this Bill. It was, therefore, essential that we should at once take steps to put ourselves in possession of facts which would enable us to make effective representations before the Bill passed to the second reading stage and become accepted in principle.

The interim reports received from the deputation have given us valuable information, and the deputation has collected facts which have been most useful to us in our representations and may assist in suggesting eventually a basis for fresh proposals. We still do not despair for persuading the Union Government that there is the strongest ground for a conference, or in the alternative for an enquiry before further parliamentary steps are taken in regard to the pending legislation. The deputation had to be hurriedly despatched. This was inevitable in the circumstances and I cannot too highly commend the expedition with which the members left India at very short notice and got to work on their task at a crisis when a delay of a few days even was a matter of very great moment.

Dr. Abdurahman's deputation is engaged on a different task and is putting the cause of Indians in South Africa before the Government and the people of India on behalf of the section of public opinion in

South Africa which it represents. Its purpose is not therefore identical with the object of ours. Moreover the deputation from South Africa has been able to supply me and my Government with facts of considerable importance and to explain points which, in the absence of local information, may previously have been imperfectly appreciated or understood. The whole question at the moment is at the stage of negotiation. Bear in mind that in our attitude towards the position of Indians in South Africa and to the principle of the latest legislation, I and my Government are at one with the general feeling in India. You may have confidence that we are striving our outmost to find a basis of discussion with the Union Government before the latter are committed to the principle of the Bill.

The question has now to be dealt with in South Africa and it must be remembered that the Government and the Ministry of the Union are responsible to their electorate, and that legislation is regarded by them as domestic in its character. We have never doubted the right of South Africa to guide the course of their own domestic and economic legislation, but in our view there are far wider considerations involved in this legislation than local economic policy alone. In our opinion they have an important bearing upon the Empire as a whole. The proposed measures are not in our view in accordance with those principles which bind the Empire together in a community of sentiment, and we hope that this aspect of the proposals may yet commend itself to South African opinion. Even on the narrower issue of economic necessity we believe from the information now received by us that the situation may be capable of adjustments in other ways. Our negotiations are still proceeding, and we shall continue to press our views to the utmost of our ability. We cannot say whether we shall succeed in our endeavours, but I hope that a cause which, as it appears to us, has reason and equity on its side will ultimately prevail. Meanwhile I rely on the legislature to give me and my Government their confidence and support in a question upon which they are aware that our sentiments are agreed, and especially to remember, as I gratefully acknowledge they have hitherto borne in mind, that we are still in the course of negotiation with the Government of the Union, in whose hands the initiative in conducting their own legislature programme lies. The principle of the Bill has not yet been finally accepted and I hope that a basis of discussion with the Union Government may be arrived at which will give an opportunity of stating and proving our case before any question arises of proceeding with this stage of the legislation.

### **“ WHITE DOMINATION TO BE ENDED.”**

In a special interview with a representative of the “ Indian Daily Mail,” on January 21, 1926, Dr. Abdurahman, the leader of the South African Deputation, discussed the South African question in its relation to the whole colour problem of the East. He considered that the present discontent in South Africa was but a prelude to a life and death struggle between the whites and blacks, that is going to be inevitable; and, speaking for South Africa, he felt sure that in another 20 or 30 years that continent would be freed from the thralldom of the whites. He did not consider that armed violence would be necessary for achieving this end, as he was convinced of the potency of Labour to oust the white man from the high pedestal of racial arrogance and domineering spirit. He stated that he was going to dedicate his life to this cause.

As an earnest of his resolve Dr. Abdurahman said that, since coming to India, he had resigned his seat on two public bodies in South Africa, including the one on the Education Commission which is going to enquire into the educational conditions of the coloured(non-African and Non-Indian) races in Cape Colony.

### **Satisfied with what Bombay has done.**

He expressed himself greatly satisfied with what Bombay had done to help along the South African cause and hoped that the resolutions passed at the public meeting would strengthen the Viceroy very much, even as they had done a lot of good in South Africa by producing a wholesome moral effect there.

Proceeding, he said his attention was drawn to an article in “ The Burgher ” of South Africa, advising Mr. C. F. Andrews not to dabble in politics, but confine himself to preaching Christian principles. His surprise on reading it knew no bounds when he recalled that Dr. Malan, who was the Editor of the “ Burgher,” and who was now in charge of that obnoxious piece of legislation—the Class Areas Bill— was once a Divine himself who had left the pulpit for politics, and apparently had left the Bible behind him. Otherwise how was it to be explained that appeal to Christian ethics had no influence whatsoever on him. He was convinced there was a lot of camouflage and cant in the arguments advanced in favour of the Bill.

## ORGANISATION OF THE COLOURED PEOPLE.

The South African question, in his view, had far-reaching issues involved in it. The Indian problem was only one aspect of the question. Viewing the question from the broad standpoint of the rights and liberties of the coloured races as a whole, he rather thought that they were on the eve of a life and death struggle between the white and the black races of the continent. "If this come through," observed Dr. Abdurahman, "the situation would become desperate. We would have to organise to get the South African natives and the other coloured races there to make common cause with the Indians. I am going to organise then industrially. We can then paralyse the entire industrial and economic life of South Africa in a short time, because the whole of the Transvaal depends up on African native labour. The Transvaal, which is the backbone of industrial South Africa, would collapse in two hours. But I realise the process of organisation will take time, but we have already met with a fair measure of success along that line. If this Bill comes through it would become only a part of the whole non-European problem which would probably have the effect of consolidating the non-Europeans to a very large extent and the fight between the white and the black races would be accentuated. I have no fear whatsoever of the position of the non-European peoples in South Africa. The Europeans would never be able to make South Africa a white man's country. We were going to compete with them to the end."

### Effect of the Indian Problem on other Coloured People.

Asked what the effect was of the Indian problem on the other coloured peoples in South Africa, the Leader of the Deputation said that as a result of the anti-Indian legislation the whole of Africa was being roused and a spirit of resentment was growing in the minds of the Africans who have awakened to a consciousness that the European domination in Asia and Africa constituted a very grave menace to the peace of the world. They realised that the relations between the blacks and the whites had taken a sudden turn for the worse and had been brought on by the arrogant and un-Christian action of the handful of whites in South Africa.

### RACIAL DISCRIMINATION SHOULD BE ELIMINATED.

Questioned if he had any proposals to be considered by the round table conference he was asking for, Dr. Abdurahman replied that he had. He said: "In the first place I want that the racial discrimination which

runs right through the Bill should be eliminated. We are prepared to accept the emigration laws almost in their entirety. If they gave the Indians already settled down their full civic and political rights, the whole problem would be automatically solved. As Indians form only a small proportion of the whites and the coloured population of South Africa, there is no fear of the majority communities being swamped by them. If they were treated properly as citizens in two generations there would be no appreciable differences between their mode of living and their ideas and thoughts and those of the white peoples. They were prepared to submit to every one of the laws and restrictions imposed upon traders in general, be they white or black, such as the health laws, labour regulations, etc., but they were determined to fight tooth and nail against the principle of segregation and their racial discriminations. In short, a solution could never be hoped for unless there was 'give and take' on both sides."

### GENERAL SMUT'S ATTITUDE.

#### Secession from the Empire, an Empty and Foolish Threat.

Asked if General Smut's attitude towards the Indian question had in any way changed since the time of the inception of the Bill, Dr. Abdurahman said that General Smuts was the stoutest protagonist of the policy of non-intervention of the Indian Government or, for the matter of that, the Imperial Government, in the domestic affairs of the Union. He and those of his ilk held fast to the theory that because India was not a self governing country, therefore India had no right to expect equal treatment with the nationals of the Union. "But our only hope is," observed Dr. Abdurahman, "that the Imperial Government would point out to them the very grave consequences that would follow if they force this Bill through the House, and the consequences would be the weakening of the bonds that hold the British Empire together. South Africa's threat that she would break away from the British Commonwealth in the event of extraneous interference in her affairs is empty and foolish. South Africa cannot afford to do so because she looks to England to defend her from foreign aggression. Moreover they mortally fear the black man, and they fear the Indian too, and in a word they fear the East because Africa lies between the East and the West, and they were doing everything possible to prevent the African native from rising in the scale of civilisation, and to keep him virtually a slave. Now, lately, the whites

have wooed the other coloured peoples there because they want to alienate them from the natives and Indians. General Hertzog had promised to put the coloured races on an equal status with the whites."

Concluding, Dr. Abdurahman said that his people were not going to be a party to this unholy bargain. They were going to make common cause with the other coloured races, and he felt sure that in about a quarter of a century from now South Africa was going to be freed from the thralldom of the white domination.

Extracts from the Interim Statement submitted to the Deputation appointed by the Government of India by the South African Indian Congress, reflecting the present condition of the Indian Community in Natal and the Transvaal, in terms of the communication made by the Government of India, dated the 21st November 1925, to the effect that the main purpose of the Deputation is to collect first-hand information regarding the economic condition and the general position of the resident Indian community in South Africa.

To

The Chairman and Members of the  
GOVERNMENT OF INDIA DEPUTATION,

AT PRETORIA.

GENTLEMEN,

At the outset, the undersigned executive members as representing the South African Indian Congress, consisting of the Natal Indian Congress representing the Indian community of Natal; the Transvaal British Indian Association, representing the Indian community of the Transvaal, and the Cape British Indian Council representing the Cape Indian community, venture to place on record their protest against the Areas Reservation Bill, in terms of the following resolution passed thereto by the South African Indian Congress held at Cape Town on the 10th November, 1925, viz. :—

“That the South African Indian Congress, in Conference, views with alarm the Areas Reservation and Immigration and Registration (Further Provision) Bill, which is in violation of the 1914 Gandhi-Smuts Agreement, and which Bill has for its objects the compulsory segregation of Indians; the deprivation of their proprietary rights and the ultimate elimination of the Indian community as openly declared by the Minister of the Interior; and begs to submit to the Government that in a matter of principle the Indian community of South Africa opposes this Bill *in toto*. ”

It will be observed from the foregoing resolution that the community which we have the honour to represent having lost confidence in the assurances and solemn compacts which the Union Government entered into with the Indian community, have decided at the aforesaid Conference to object to the passing of the Reservation of Areas Bill, in view of the fact that that legislation, if passed, would threaten the Indian community with absolute annihilation.

Realising the evil results following segregation, the Indian community has all along objected to that system; our main objections to the segre-

gation policy were fully stated in documents submitted before the Asiatic Commission presided over by the late Sir J. H. Lange. The Commissioners, after an exhaustive inquiry into the question, embodied their considered views in the following language :—

- (1) There should be no compulsory segregation of Asiatics.
- (2) There should be no compulsory repatriation of Asiatics.

It will be noted, however, that despite the recommendations of the Asiatic Commission emphasising the undesirability of compulsory segregation and compulsory repatriation, the effect of the Reservation of Areas Bill, if passed, will be what the Commission recommended not to do. Hence it would be self evident that no special circumstances have arisen to warrant the introduction of such a drastic legislation against the Indian community ; and it would be noted—as will be shown hereafter—that since 1921 the Indian community is being deprived of a good many valuable rights, either through the instrumentality of the Provincial Councils, or by the drastic administration of existing Laws by the Central Government.

### LICENSING QUESTION. NATAL.

The provisions of the Dealers' Act 15 of 1897 of Natal were sufficiently drastic, in that it conferred on the licensing officers absolute and discretionary powers either to grant or to refuse licences ; and the licensing officers, having exercised their powers in an arbitrary and capricious manner, there has been many a miscarriage of justice. In order to prove the tendency of the Licensing officers towards Indian trades people, we quote below extracts from the evidence given by Col. Molyneux, Licensing Officer for the Borough of Durban, before the Lange Commission. Questioned by Col. Wyllie, one of the Commissioners, Col. Molyneux, the Licensing Officer, said :—

“ I use my discretion as to whether an Asiatic should trade in any particular street or area. It is very seldom, comparatively, that a European licence is refused. A European licence is granted almost always, as a matter of course ; whereas the Indian licence is refused, as a matter of course.”

Such being the feelings actuating the Licensing Officers, the injured parties, on appeal to the Town Councils—which are invariably comprised of trade rivals holding very strong and emphatic views—very seldom get justice from these so-called Appellate Courts.



Not contented with the aforesaid Laws in regard to the control of the Indian traders, the Rural Licensing Amendment Ordinance, No. 5 of 1925, Natal, was passed by the Provincial Council. In addition to the irksome restrictions imposed by the previous Act, the present Ordinance limits the right of appeal from the decisions of a Licensing Board to only one ground, *viz.* : "that the applicant is not a fit and proper person to hold the licence applied for, or to carry on the proposed business." In fact, the limitations imposed on the rights of an aggrieved party have made the Licensing Appeal Board a mere nonentity and a useless appendage.

In order to prove that the Licensing Appeal Board is not serving the purpose for which it was intended, we quote below the case of A. E. DESAI & Co. of Northdene. This firm carried on their business on a piece of leasehold land at Northdene for a period of thirty years. The leasehold property in question was purchased by a European recently, and DESAI & Co. were given notice to vacate the land. DESAI & Co. purchased a piece of land adjoining the land, where they were hitherto trading, and erected a substantial building, and applied for the transfer of their licence which they had held during the past thirty years to their new premises. The transfer, being objected to by the European who cancelled their tenancy, was refused by the Licensing Board on the ground that there was no necessity for the transfer—though DESAI & Co. had been trading in that identical spot for thirty years. Subsequently they lodged an appeal to the Licensing Appeal Board which, owing to the limitation of its powers, could not afford relief to the aggrieved party.

Again, an Indian storekeeper in the district of Ixopo was, on the termination of his lease from a European, given notice to quit. He applied for a transfer of his licence within the same district, but it was refused owing to the landlord raising an objection to the transfer on the ground that there was no necessity for it.

It is being alleged that the Indian traders are making a peaceful penetration all over the country, and that they are driving the European traders from their legitimate field of activity. In order to refute the unfounded allegations made against the Indians, we append hereto a comparative statement of the number of licences held by Indian and European traders since 1920, 1921, 1924, and 1925, in some of the important boroughs and townships of Natal. A mere glance at the statistics ought to bring conviction as to how the Indian traders are losing ground slowly

but surely, owing to the harsh and high-handed administration of the Licensing Laws; while in the case of the Europeans they are on the increase, and the trade is increasingly going into their hands. It is needless to say that under the category of Europeans, aliens and others who have the recommendation of a white skin are included. Hence it must be apparent that the alleged Asiatic penetration into the Europeans' trade is more illusory than real. The following is a comparative list of statistics of licences held by Indians and Europeans in some of the important boroughs and townships of Natal:—

### RETAIL AND WHOLESALE LICENCES.

#### Boroughs and Townships of Natal:—

Borough or Township.	1921		1925		1921		1925	
	Indian.	European.	Indian.	European.	Indian Decrease.	European Decrease.	Indian Increase.	European Increase.
P. M. Burg .. ..	108	343	109	382	<i>Nil.</i>	<i>Nil.</i>	1	39
Ladysmith .. ..	(not available). 16	(not available). 24	44	80	..	..	<i>Nil.</i>	<i>Nil.</i>
Newcastle .. ..	4	(1920) 20	17	31	..	..	..	7
Estcourt .. ..	4	4	3	25	1	..	..	5
Weenen .. ..	4	4	4	4	<i>Nil.</i>	<i>Nil.</i>	<i>Nil.</i>	<i>Nil.</i>
Howick (1920) ..	2	(1920) 3	3	4	..	..	1	1
Glencoe .. ..	3	3	3	8	..	..	..	5
Charlestown ..	10	1	10	1	..	..	..	<i>Nil.</i>
Verulam .. ..	18	10	24	9	..	1	5	<i>Nil.</i>
Dundee .. ..	11	47	6	58	5	..	..	11
Total .. ..	276	455	223	602	6	1	7	68

Umkomaas .. ..	..	..	..No Indian trader.
Utrecht .. ..	..	..	Do.
Vryheid .. ..	..	..	Do.
Paulpietersburg ..	..	..	..No information available.
Richmond .. ..	..	..	Do.
Greytown .. ..	..	..	Do.
Durban .. ..	..	..	Do.
Stanger .. ..	..	..	Do.

#### ✓ THE LAND QUESTION IN NATAL.

It has been alleged that the Indian community has been buying properties on a large scale in places inhabited by Europeans in urban areas; and it is further stated that by such alleged action on the part of Indians the properties of Europeans have depreciated in value. A reference to the comparative statistics will clearly prove to the contrary all such statements. It will be noted that in such important cities as

Durban, the net increase in the amount of the value of properties held by Indians between 1921 and 1925 was only £245,760, while the Europeans during the same period acquired properties to the value of £3,712,870.

When compared with the population as given in the last census (1921), for Durban and suburbs, *i.e.*, Indians, 47,811, as against Europeans, 57,095, we find that the acquirement of properties as between the two communities is altogether disproportionate. Moreover, it should be remembered that this ostensible increase in the value of properties by the Indian community to the tune of about £245,760, should not be attributed to acquiring a larger control over real estates. In fact, the sum total represents more the enhanced value and greater improvements effected, such as new buildings, or renovations effected, than fresh acquirements of landed properties in the urban areas. Therefore, it must be obvious that the alleged menace of the Indian in urban areas is untrue.

Regarding the rural areas, a similar outcry is being raised against the Indians, but a closer examination of the actual conditions in which Indians are living would reveal quite a different tale. It is well known that the bulk of the Indians in Natal are agricultural people. Ever since their advent to this country, dating back to 1860, their chief occupation, after being relieved from indenture, has been agriculture. During a period extending over half a century the sum total of real estates acquired by all Indians in rural areas is estimated, according to the Agricultural Census returns of 1920 to 1921, at 57,914 acres, out of a total area of 35,284 square miles in Natal, apart from leasehold properties held on monthly and yearly tenancies.

Considering the nature and size of the Indian agricultural community, who consist of 20,799 over the age of 15, and who have no other means of livelihood except the cultivation of land, the acquirement of 57,914 acres during these years of incessant toil cannot be considered as a menace to the existence of the white population. ✓

### **Municipal and Township Franchise.**

The Indian community enjoyed the municipal franchise since 1872, though efforts were made by the Natal Municipal Association in 1906 and 1907 to deprive Indians of this valuable privilege, without success—the reason being that the British Government declined to curtail the municipal right of the community. At the same time, when the Disen-

franchisement Act was passed by the Natal Legislature in 1896. it was distinctly understood that the municipal franchise rights of the community would not be affected by the passing of that Act. Such being the true facts, efforts were made from time to time by the anti-Asiatic party in Natal to deprive the Indians of this civic right ; and Ordinances having for their object the taking away of civic rights in townships and municipalities were passed four times; and on representations by the community were voted by the Governor-General-in-Council on each and every occasion.

At last, when the present Government came into power, the very same Ordinance clothed in different phraseology, was passed and sanctioned by the Government, despite strong protests of the Indian community.

The following are the salient clauses in the Ordinance :—

“ Every person, male or female,—

- (1) Who is the owner of rateable property within any ward of the Borough of the assessed value of fifty pounds, or
- (2) Who has occupied for a continuous period of three months immediately prior to the first day of June in the current year any rateable property within any ward of the Borough of a gross annual value of ten pounds.

And who, being a male, is entitled to be registered as a *parliamentary voter*, or being a female, would be entitled to be so registered if she were a male, shall be entitled to be enrolled as a burgess and to vote at the election of councillors for such ward as aforesaid, subject to the disqualifications hereafter stated.

Provided, however, that no person who at the first day of July, 1924, was enrolled as a burgess of any borough shall be disqualified for or disentitled to such enrolment in that borough merely by reason of not being a British subject, or for non-compliance with the foregoing provision in regard to parliamentary qualifications.”

### **Position of the Indians in the Transvaal.**

Historically the disabilities suffered by the Indians in this Province are interesting. The story dates back to the days of the South African Republic, and to the London Convention, under which equality of treatment was reserved to British Indians as a section of the British subjects.

Owing to trade rivalry, even at this early stage, President Kruger's Government approached the British Government with a view to obtaining their consent to the passing of certain disabling legislation, the idea being to classify Indians in the Transvaal with the native and other sections of the coloured population.

Subsequently permission was granted for the imposition of the terms of Law 3 of 1885, and amended in 1886. Thereunder segregation for purposes of residence (only) was approved, for sanitary reasons; in addition, the prohibition against holding fixed property outside of the areas of such segregation, and the deprivation of political status. The payment of the three pounds exacted was merely a revenue matter and constituted something in the nature of a tax upon the Indians engaged in trade.

When it became clearer to the British authorities that they had been party unwittingly to the imposition of disabilities on British Indians, who were under Law 3 of 1885 and 1886 subjected to increasing disabilities and humiliation in the shape of segregation in trade and residence representations were persistently and consistently made through the British Agent; and reference to the pronouncements of British statesmen prior to the outbreak of the war make it obvious that the British attitude was one of strongest protest against the disabilities under which, between 1885 and 1899, the Indian community laboured.

Reference to only one of these pronouncements need be made, that of Lord Lansdowne, at Sheffield, in the year 1899:—

“A considerable number of the Queen's Indian subjects are to be found in the Transvaal, and among the many misdeeds of the South African Republic I do not know that any fills me with more indignation than its treatment of these Indians. And the harm is not confined to sufferers on the spot; for what do you imagine would be the effect produced in India when these poor people return to their country to report to their friends that the Government of the Empress, so mighty and irresistible in India, with its population of 300,000,000 is powerless to secure redress at the hands of a small South African State?”

With the conclusion of the hostilities between Briton and Boer, the Indian community not unnaturally considered that their grievances would be remedied, and that the story of their disabilities was to be a closed chapter.

From 1902 to date, throughout the period of British occupation, Responsible Government, and Dominion status, the Indian community in South Africa have been the victims of increasingly stringent legislation and of the curtailment of right after right, until to-day they are threatened with not only segregation for purposes of residence, but for trade also.

Reference to the "Compendium of anti-Asiatic Legislation" annexed hereto, readers comment superfluous, since it will be seen that the Laws enacted disclose a consistent, calculated policy leading up to what is now threatened, *viz.*, the tightening of the noose to a degree that will drive the Indian community out of the country altogether as an alternative to remaining as pariahs and outcasts.

### **Re-Exempted Entrants.**

The 1914 settlement provided for the admission into the Provinces of Transvaal, Natal and the Cape of two classes of Indians outside of those entitled to enter under the statutory laws.

Class 'A': a small number of educated entrants, some ten for each Province per annum, who were to receive letters of exemption freeing them from the necessity of holding registration certificates. They were, in practice, comprised of persons of some education, of use to the community of the particular Province to which they were to be admitted; and otherwise, once admitted, they were to suffer no disabilities not imposed on the holders of registration certificates.

The second class comprised temporary visitors, priests, teachers, etc., whose temporary permits might be extended from time to time.

It must be obvious that Class 'A' had to earn its livelihood by some means or other, if it were to continue to live honestly in the Province to which it was admitted; consequently such entrant were generally either accountants, book-keepers, agents, brokers or the like.

Gradually conditions crept into the letters of exemption until it became necessary for the Transvaal British Indian Association to enter a strong protest.

Class 'A' specially exempted Indian was not to be hampered by the conditions subsequently imposed upon his residence and activities,

### **Transvaal Dealers (Control) Ordinance**

#### **No. 11 of 1925 :**

This Ordinance in question, having the ingredients of oppressive legislation, though applicable to all in general, yet in practice will have

a far-reaching effect on the Indian traders in the Transvaal in exactly the same manner as the operation of the Licensing Laws in Natal.

### Indian Education in the Union.

It is well known that when Indians were brought to this country originally, it was part of the agreement which the Government of India entered into with Natal, that the educational facilities for the children of Indian immigrants must be provided for. In terms of this compact successive Natal Governments provided educational facilities by voting sums of money annually. However, since the passing of the (Natal) Free and Compulsory Education Act, which provided educational facilities only to children of European and coloured descent, no adequate facilities are given to Indians, though taxes are collected in equal ratio from the Indians for educational purposes, *e. g.*, the Wheel Tax (Natal), which has been imposed specifically to meet the cost of education.

Despite representations made for the extension of educational facilities, so far nothing has been done, and instead, the tendency of the Natal Provincial Council is to curtail the existing facilities; and, in fact, efforts are being made to withdraw the medium of education from English into the Indian vernacular on the ground ostensibly that Indians are to be taught only in their mother tongue, but in reality to prevent the coming generation of Indians from acquiring a knowledge of the English language.

A committee appointed by the Natal Provincial Council is investigating the question of the medium of language for imparting education to Indians in Natal; and it has not concluded its labours.

Out of a school-going population of 48,188 Indian children in the Union, educational facilities are afforded only to 8,416 children: while amongst Europeans, out of a school-going population of 338,500, only 331,081 children obtain education, which is imparted under the Free and Compulsory Education Act.

There are twelve Government schools and 39 Government-aided schools for the Indians in the Union, while for the Europeans, 4,833 schools are provided. The average expenditure on Indian education is £2-3-11d. per child, while the expenditure on European education is £17-17-9d. per child. These figures speak for themselves as to the disparity in the matter of education as between European and Indian children: in many cases Indian children are turned out of schools

for lack of accommodation, though their parents express the wish to pay full fees for their education.

No provision is made for higher education, industrial or technical education, or agricultural education for Indians in any shape or form.

### **Economic Condition.**

The economic condition of the Indian community has been the bone of contention among the Europeans, but among the Indians it has been causing considerable anxiety; because, the bulk of the Indian population, not having the ordinary rights of freedom to move about the Union, feel the pressure of congestion and a keen struggle for existence in one Province alone, *viz.*, Natal.

At the time of Union, both the British Government and the Government of India were well apprised of the danger threatening the existence of the community by confining them in one Province of the Union, and it was suggested that it would be in the interests of all concerned to remove the inter-provincial restrictions imposed on the Indians; but unfortunately this suggestion did not gain the active consideration of these authorities.

As a result of the inactivity and lack of foresight on the part of the Indian Government, we find the most pro-British Province clamouring for very drastic legislation for an economic disease which could not be eradicated by any amount of reactionary legislation.

The root of the evil must be dealt with, and a remedy found, in a manner that would touch the real disease. A reference to the statistical abstract attached hereto would show how, owing to the congestion of population, the Indian is helpless to raise his standard of living, and how he is being compelled, by sheer force of economic circumstances, to accept any wage that may be offered him to keep his body and soul alive. If he does not accept what is offered, in view of the fact that he cannot go out of his own Province of birth or domicile, for a better field, he would have to choose between starvation and death. Hence it would be evident that the present economic condition of the Indian is not of his own choice or creation, but it is the inevitable product of the system of Government which precludes him from all advancement in the race of Life.

In accordance with the finding of the Cost of Living Committee, it is computed that the minimum cost for a family consisting of three members to lead a civilised existence would be £110 per annum. While those of



the Indians who derive an income in that sum, and over, lead what is termed a civilised existence, the majority of the wage earners, who form about 49,002 in number, are doomed to accept a wage not in conformity with the civilised standard, simply because of their nationality and the colour of their skin.

### **The Colour Bar.**

As it is within the personal knowledge of the Deputation, there has been a gradual introduction of the colour bar into public places such as the Courts of Justice, the Post Office, the Town Hall, Municipal Tramways, Tramway Offices, public places of amusement, etc., where separate accommodation is provided for the use of Indians and natives—and in the Transvaal even that is not provided for in many places—thereby accentuating the stigma of racial inferiority, and subjecting the Indian community to hardships and indignities.

### **Conclusion.**

In conclusion, we have to submit that the Indian question has reached a crisis which requires firm and statesmanlike handling; otherwise the community which we have the honour to represent may find themselves, and the prospects of their children, in an irretrievable ruin.

With a view to reminding the Deputation of the inalienable right of the Indian community to lead a peaceful and honourable existence in this country, we take this opportunity to recapitulate the various important points connected with the Indian colonisation in this country.

First of all, the advent of the Indians is due to the liberal inducements originally offered to the community, such as free gift of land to Indians, and educational facilities to their children—evidently with a view to attracting Indian settlers here. And Indian traders were encouraged to migrate and were induced to open up the commercial resources of the country. As the Indian community in general progressed, the Europeans, envious of the growing prosperity of the Indian community, showed signs of hostility; and the British Government, while disapproving of the racial bias evinced by Europeans, consistently maintained a policy which had for its object the protection of the rights of British subjects.

Seeing that the hostility was alleged to be due more to economic causes than racial, it was maintained by the advocates of the Union that the consummation of the Union of the four self-governing Colonies would weed out parochial politics, and opportunity would be given for taking a broader view of things. But the Indian community took a different view,

having regard to their bitter experience in the past ; and when a strong protest was lodged against the Union, the Imperial Government, in a Despatch dated the 24th December, 1909, smoothed the apprehension of the protestants in the following languages :—

“ With reference to the petition signed by Indians in Natal regarding their position under closer Union, forwarded to His Excellency under cover of your letter of the 14th July last, I have the honour to inform you that the petition was duly transmitted to the Right Honourable the Secretary of State for the Colonies, who, in a despatch dated 24th December last, desires that the petitioners’ attention should be drawn to the amendment of Section 147 of the Act of Union, leaving control and administration of matters especially or differentially affecting Asiatics within the province of the Governor-General-in-Council. This provision, while not repealing certain legislation, as desired by the petitioners, will, as His Majesty’s Government trust, ensure consideration of questions affecting Indians in a broad and generous spirit.

“ In regard to the second part of the petition, I am to inform you that His Majesty’s Government have not felt themselves able to advise the appointment of a Royal Commission, more especially as by recent amendment of the Dealers’ Licences Act, an appeal is now allowed to the Supreme Court in all cases of the refusal of a licence to existing holders ”

I have the honour to be,

Sir,

(Sd.) G. T. PLOWMAN,

*Secretary to Prime Minister.*

To

The Honorary Secretary,

The Natal Indian Congress,

31, Leopold Street,

DURBAN.

However, the community not being satisfied with the reply alluded to above, in view of the historic connection and the vital interests involved by the colonisation by the Indian community. Section 148 of the Act of Union was specifically pointed out to us as affording protection for the potential rights of the community. The Section reads as follows :—

*Section 148.* “ All rights and obligations, under any conventions or agreements which are binding on any of the Colonies, shall devolve upon the Union at its establishment. ”

It would be observed from the foregoing Section of the Act of the Union that, since Natal—as has been reiterated more than once by the Imperial and Indian Governments—had entered into special obligations with the Indian community, those obligations have devolved upon the Union Government ; and as such, no Government attaching sanctity to its pledged word, could get away from those obligations. In almost all the despatches that the Secretary of State for India sent to the Union Government, he made it plain that the policy of the Union Government was a perpetuation of the policy governing Natal since pre-Union days ; and the Union Government was a consenting party to this declaration.

Soon after the passing of the Asiatic Registration Act of the Transvaal, Lord Selbourne, on behalf of his Ministers, placed on record the policy of his Government, in more than one despatch indicating that that would be the continuation of the same policy inherited from the pre-Union regime. In order to prove that that has been the dominating tone in the conduct of the past Ministry, we quote below what General Smuts said at the Imperial Conference in 1917 :—

“ I feel sure, and I have always felt sure, that once the white community in South Africa were rid of the fear that they were going to be flooded by unlimited immigration from India. all the other questions will be considered subsidiary and would become easily and perfectly soluble. That is the position in which we are now that the fear which formerly obsessed the settlers there has been removed ; the great principle of restricting immigration for which they have contended is on our Statute Book with the consent of the Indian population in South Africa and the Indian authorities in India. And that being so, I think that the door is opened now for a peaceful and statesmanlike solution of all the minor administrative trouble which occurred and will occur from time to time. ”

This weighty declaration was made on behalf of the people South of Africa—a policy which was sealed and embodied in a solemn agreement made between Mr. Gandhi and General Smuts in 1914. The same policy embodied in the aforesaid declaration was affirmed and re-affirmed in subsequent Imperial Conferences by representatives of the Government and people of South Africa. Even at the Conference of 1923, when Dr. Sapru warmly advocated the extension of the doctrine of equal rights for all domiciled Indians in the Dominions, General Smuts, though disagreeing with the resolution, did not retract the policy he had enunciated in the past. Therefore, it must be self-evident that there has been no departure from the pre-Union policy towards the domiciled Indian population in the Union, and any innovation in respect of the Government of the Asiatics in the Union, must be considered as a solemn breach of contract, and as such, due steps should be taken for the observance of the contract.

As was stated in a previous paragraph, the Union Government, having taken over all the obligations which Natal entered into with the Indian Government, it is the duty of the Union, by virtue of Section 148 of the Act of Union, to respect the potential rights of the Indian community in the Union ; but the tendency of the present Government being such as to nullify the solemn treaties and obligations by the slogan of ' non-interference in the internal affairs of this country, ' we are obliged to ask whether the right of self-government implies the right to oppress unrepresented subjects, and also to repudiate solemn treaties and obligations ?

Having regard to the fact that the time has arrived for the Government of India to take up a firm and determined stand to vindicate the potential rights of the Indian community for a fair and honourable existence, we beg to urge that the Deputation should give their due consideration to the Indian problem in all its perspective. We conclude this by reaffirming the resolution passed at the Fifth Conference of the South African Indian Congress in reference to the holding of a Round Table Conference for finding a solution of this question :—

“That this Congress urges upon the Union Government to consent to a Round Table Conference of representatives of the Union and Imperial Governments, the representatives of India, the Indian Government and representatives of the South African Indian Congress, to consider the whole position of the Indians here and arrive at an honourable settlement.”

We also venture to re-affirm the statement of our case submitted by our Deputation under the leadership of Dr. Abdurahman to His Excellency the Viceroy on the 19th December, 1925.

Before concluding, we respectfully venture to hope that, having regard to the peculiar position which the Indian community holds under the Constitution of the Union of South Africa, the Deputation, taking into consideration our embarrassing position, would consult the Congress which we have the honour to represent in any line of action which they may recommend to the Government of India.

The Congress, in terms of their promise to assist in the collection of information, have done as far as it lies in their power to do ; and, should necessity arise, after the completion of the tour in the Cape, a final statement may be submitted.

We have the honour to be,  
Gentlemen,  
Yours respectfully,

(Sd.) V. LAWRENCE,  
( „ ) R. I. ASVAT,  
( „ ) S. R. NAIDU,  
( „ ) D. M. NURSOO,  
( „ ) A. ISMAIL,  
( „ ) E. M. ALLY (Hon. Treasurer),  
( „ ) MANGALBHAI V. PATEL,  
( „ ) P. S. JOSHI,

*DATED AT*  
*JOHANNESBURG,*  
*This Fourth day of*  
*January, 1926.*

*Executive Members of the South African*  
*Indian Congress.*

(Sd.) A. I. KAJEE,  
*Hon. General Secretary.*  
**South African Indian Congress.**  
**175, Grey Street, DURBAN.**

**Extract from a letter dated 30th April, 1919, from  
the Department of the Interior.**

**DEPARTMENT OF THE INTERIOR,**

**CAPE TOWN,**

**30th April, 1919.**

Sir,

With reference to the deputation from the conference of the Indian community which waited upon the Minister of Interior on the 1st February last in connection with certain matters which the conference wished rectified, I am directed by Sir Thomas Watt to advise you that he has now fully enquired into the representations then made and wishes me to reply as follows :—

In looking through the representations made by the members of the deputation, I have noticed that while some of the items are essentially provided, others affect the Indian community as a whole in the Union of South Africa, and I have therefore dealt with those affecting the Union in one reply instead of dealing with the representations as they were made to the Minister by representatives from each of the Provinces.

**(1) Restricted free movement of Asiatics throughout the Union.**

The provisions of sub-section (2) of section 4 of the Immigrants Regulation Act, 1913 (No. 22 of 1913), have in the past been carried out strictly in accordance with the law in so far as the movements of Indians between the Cape and Natal are concerned. In regard to the other Provinces, it should be borne in mind that prior to 1914 Immigration Officers only were authorised to issue permits in favour of Indians travelling from one Province to another, but as the result of the Solomon Enquiry Commission of 1914, all Magistrates were empowered to issue such permits excepting only in the cases of permit required for business purposes. At the present time, however, permits are also issued for business purposes to the extent of one permit per individual per year. Special cases of hardship can be represented to the Minister and will receive careful consideration.

**(2) Asiatic Trading Licence Difficulties.**

This question, admittedly, raised wide consideration, and, as you are no doubt aware, is at present forming the subject of a Select Committee of Parliament which will no doubt report very shortly the result of its findings. No definite reply can therefore be made

at the present time pending the issue of the report of the committee, but it should be borne in mind that legislation will be necessary to deal with this matter satisfactorily. A reply under this head will be communicated to you as soon as Parliament has further dealt with the matter.

**(3) Ownership of Fixed Property.**

This question also must remain in abeyance pending the report of a Select Committee referred to in the reply to No. (2).

**(4) Hardship and injustice done to Cape Indians in regard to the admission of their bona fide wives and children who join their husbands or parents in South Africa.**

This matter was also dealt with very fully by the Solomon Enquiry Commission in 1914, and, as the result of the recommendations made by that Commission, forms were prescribed which had to be completed by the applicants and sent to India in order to secure the admission of their wives and children. As far as the experience of the Department is concerned, there have been no difficulties where the procedure advocated by the Commission has been followed, and unless specific instances of hardship are quoted it is not possible to give a reply in a general question of this nature which, as stated, was fully enquired into by the Commission and satisfactorily provided for.

**(5) System of the authority regarding the Indians giving thumb impressions when application is made for identification certificates.**

It is not quite clear what "system of authority" is referred to. The certificates of Identity in use provide for the identification marks of the holder to be furnished and departmental requirements can only be met if such identification marks are given in the form of thumb impressions.

**(6) Difficulty of inter-provincial travelling of domiciled Indians by means of depositing systems of £11 in temporary visiting of administrative provinces.**

This has already been referred to under No. (1), but it may be added that deposits are required by a law and are necessary to secure compliance with the conditions of the permit. It may be mentioned, however, that deposits have, in the past, been waived in exceptional cases, and this policy will be continued in the future.

**(7) Difficulty Indian Passengers have in obtaining boats from India and in securing passports.**

From a communication recently received from the Home Office it is hoped that the difficulties as regards passage have now been removed. It should be remembered that owing to war conditions shipping was extremely scarce, and therefore the Indians had to suffer the same inconvenience which Europeans have experienced in connection with shipping from England.

As far as the question of passports is concerned, under present arrangements no such documents are necessary, as the Certificate of Identity which Indians take out when proceeding to India is sufficient authority for their re-admission to the Union after the endorsement of the certificate by the authorities of India.

**(8) Admission of Educated Entrants from India to the Cape and Natal Province.**

Under the arrangement at present existing, educated entrants from India are admitted to the Cape, Natal and the Transvaal Provinces to the extent of 10 for each Province per annum. In addition to this, temporary permits are granted in those Provinces to persons requiring admission as priests or teachers to the Indian community and so long as the persons admitted carry out the vocations of the office for which they were admitted, the temporary permits are automatically extended on representation from the school authorities or the community affected.

**(9) Representations regarding the estate of Mahomed Essack valued at £40,000.**

Owing to representations which have been made on behalf of the heirs to this estate, authority has now been given for their admission on temporary permits for a period of not exceeding six months to enable them satisfactorily to conclude the business of the estate.

**(10) Delays to Indians returning from India to the Cape *via* Natal, and being required to deposit £1 on arrival.**

It should be borne in mind that Indians travelling to India are not required to take out passports which carry a revenue stamp of £1, but are supplied with certificates of identity carrying a face value of 2-6d. only. If the ships by which the Indians are travelling proceed to the Cape, Indians domiciled in that Province are necessarily required to continue their journey by sea to their destination. Every effort is, however, made to prevent delays, and when such



delays are likely to be extended or the ship does not proceed to a Cape port, arrangements are made by the Principal Immigration Officer for the passengers to proceed by rail.

- (11) **Purdah ladies coming from India are subjected to an examination by male officers, which is resented by the community.**

It is necessary to exercise the greatest care under the Immigration law, more especially as cases have come to notice in which Indians have endeavoured to introduce male relatives in the garb of females. The Immigration Officers have strict instructions not to offend the susceptibilities of those concerned, and no representations have been received that any officer has failed to carry out those instructions. The number of female entrants is so few that the employment of female officials to deal with such entrants cannot be justified for reasons of economy.

- (12) **Admission of plural wives and children to join their husband or father.**

This question was also fully enquired into by the Solomon Commission in 1914, and no facts are advanced to show in what respect the compact is not carried out. Indian Societies and Associations were requested, in terms of the agreement with Mr. Gandhi to submit by a certain date, lists of wives and children coming within the terms of the compact. The information furnished was, however, not found sufficient to enable the Department to deal with the cases, an arrangement was made under which each case was dealt with on its merits. Several such cases have been considered and the admission of the plural wife or child agreed to.

- (13) **Holding of Appeal Board sittings at the office of the Immigration Officer.**

No facts have been advanced to prove that the holding of the sittings of the Appeal Board at the office of the Immigration Officer is not conducive to inspire confidence in the verdict of the Board. It should be remembered that all records are in the Immigration Offices and much difficulty and inconvenience would be caused by holding the Appeal sittings away from those offices and would result in adjournments being asked for the production of other records and thus waste the time of the officials.

It should be mentioned also that no charges have been made against the personnel of the Appeal Boards, and unless clear proof

can be adduced that justice has not been administered by the Boards, it is regretted that a change in the present procedure cannot be agreed to.

- (14) *Indians returning from India, on reaching Natal, are detained on board the steamer one or two days without rhyme or reason, even though their permits are in order.*

It is impossible to deal with a general statement of this nature. If instances of delay have occurred, it is advisable to quote such cases, giving full details, in order to enable further enquiries to be instituted.

- (15) *A Transvaal born Indian named R. K. Naidoo, now residing in Natal, applied for registration certificate, but the Registrar of Asiatics declines to give same.*

This man came to the Transvaal in 1910 merely for business purposes. He applied for registration in 1911, but after full enquiry it was found that he had no claim, having been born in Natal, which circumstance was duly certified on a Colonial-born pass of which he was the holder. Later on he attempted to persuade the authorities that he was actually born at Johannesburg and then again at Krugersdorp. Under the circumstances it is clear that a registration certificate for the Transvaal was rightly withheld from Mr. Naidoo.

- (16) *An Indian merchant named J. B. Mehta applied for a permit to bring in his prospective wife, as his first wife in Natal became insane and had to return to India, but the authorities refused.*

This is a matter which can only be dealt with under the laws obtaining in the Union which prevent the admission of a wife under such circumstances.

- (17) *By virtue of section 3 of the Indians Relief Act it deprives an Indian who has divorced his first wife and has children of the first wife in the Union, the right of bringing in his second wife.*

The introduction by Indians of wives married after the divorce of the first wife has, as the result of representations by the Transvaal British Indian Association in October last, been agreed to on the condition that the man has no other wife in South Africa.

- (18) *The Immigrants Regulation Act. No. 22 of 1913. is harshly administered; and especially where Indians desire to enter the Transvaal through Delagoa Bay they are subjected to delay and some-time indignities at Komatipoort.*

Owing to the large number of clandestine entries of Asiatics to the Union *via* Portuguese territory which have taken place in the

past it is necessary for the credentials of all Asiatics to be carefully examined at Komtippoort and where there is a large number of passengers on the train delays are inevitable. Every endeavour has been made not to give offence and expedite the examination, and Indians have been told that if they feared delay at Komatippoort they should leave Lourenco Marques by the morning train which arrives at Komatippoort in ample time for the examination to be concluded before the arrival of the fast through train at that station. Instructions have recently been issued to the Principal Immigration Officer to proceed to Komatippoort to enquire into these charges of delays and indignities in order to provide further facilities and to prevent delays in the future.

- (19) Exempted Indians in the Transvaal should be placed on the same footing as those holding registration certificates.

Holders of Letters of Exemption are entitled to all privileges Possessed by Indians in the Transvaal who are there under Registration Certificates, but as the law stands at present it is impossible to secure trading rights to holders of letters of exemption. It is hoped that the Select Committee previously referred to will deal with this matter in their report to be presented to Parliament.

- (20) The recommendation of the Solomon Commission is not carried out to the letter.

You have already been communicated with and asked in what respect the recommendations of the Commission have not been carried out, as it is impossible to deal with a general statement of this nature.

- (21) Unions contracted in accordance with the tenets of Hindoo and Mahommedan religions are not recognised, the wife and progeny of such unions are declared illegal and illegitimate, which require remedying.

As the result of the report of the Solomon Enquiry Commission of 1914 and representations made by the Indian community at that time, legislation was provided for under Act No. 22 of 1914, but the Minister regrets that the Indian and Mahommedan communities have not taken advantage of the provisions of section (1) of that Act. The matter is, therefore, one entirely in the hands of the Indian and Mahommedan communities themselves.

- (22) The settlement arrived at between Mr. Gandhi and the Government in regard to the sympathetic administration of the laws, with due regard to vested rights, has not been carried out, the Government taking up an attitude which is totally contrary to their undertaking.

The question of "vested rights" also fails with the enquiry now proceeding before a Select Committee of Parliament, but it is not stated in what other respect the Government has failed in its duty to the Indian community, and unless details can be given it is impossible to reply to this charge.

- (23) Repeal of laws governing indentured Indians, and statement that the existence of Indian Immigration Trust Board is not in the interests of the Indian labouring class.

The community is well aware that no more Indians are coming from India for purposes of indenture and that the matter of renewal of indentures by the existing Indian community in Natal is entirely in the hands of the indentured persons when their indentures expire. It should be mentioned that the Trust Board is not maintained at the expense of the general community and it is not shown how the Board's existence is against the interests of the working class of the Indian population. If reference is made to the Indian labouring class, in whose interest the Medical Fund is established and continued, apparently the Conference had no knowledge of the thousands of Indians who have medical advice and treatment in hospital without cost to themselves ever since the fund was originated. The Indians apparently have the impression that the medical fee is payable by them and that it is a sort of tax upon them. The fact is that the fee is payable by the employer and is an insurance for free medical attendance on the employees and is therefore for their benefit, not for their hurt in any way socially or politically.

The general statement with regard to the Board should, if further action is necessary, be substantiated by facts.

- (24) Policy of differentiation pursued by the Government towards Indian subjects; request to introduce legislation for the extension of the franchise to all civilised subjects residing in the Union.

The Government cannot at present see its way to promise to introduce legislation as requested.

There are a few other points outstanding in connection with the representations made by the deputation from the conference, and you will be further communicated with as soon as replies have been received from other Departments of State who are collecting information on the subject.

I have the honour to be,

Sir,

Your obedient servant,

(Sd.) H. B. SHAWE,

*Acting Secretary for the Interior.*

# UNION OF SOUTH AFRICA

## Areas Reservation and Immigration and Registration (Further Provision) Bill.

### BILL

To make provision for the reservation of residential and trading areas in urban areas for certain persons having racial characteristics in common ; to amend the Immigrants Regulation Act, 1913, (No. 22 of 1913), the Indian Relief Act, 1914, (No. 22 of 1914), and Asiatic Registration Amendment Act, (Transvaal) 1908 (No. 36 of 1908); and to amend or repeal certain laws.

*(Introduced by the Minister of the Interior.)*

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows :—

### CHAPTER .

#### RESERVATION OF AREAS.

Request by urban local authority for application of Chapter I.

1. (1) Whenever an urban local authority shall intimate to the Minister —

(a) that any area within its limits is wholly or for the greater part occupied for residential or trading purposes or both such purposes by a particular class of persons ;

(b) that it is desirable that the provisions of this Chapter should be applied in respect of such area,

the Minister may appoint a commission consisting of not more than three persons (hereinafter called the commission) to investigate and report upon the desirability of applying to such area and to the urban area within which it is situated the provisions of this Chapter.

(2) One of the members of the commission shall be designated by the Minister as the chairman thereof, and the Minister may make rules for the conduct of the business of the commission and governing the tenure of office of the members. In the event of the commission consisting of three members, two members shall form a quorum.

*Duty and powers of commission.* 2. (1) It shall be the duty of the commission to enquire and report to the Minister upon the following matters:—

- (a) The extent and nature of the area which was the subject of intimation under section one;
- (b) the number, dimensions, situation and nature of sites occupied in such area or residential or trading purposes or both such purposes as the case may be;
- (c) whether there would be afforded by such area proper and adequate facilities for residences or trading sites or both, as the case may be, for the particular class of persons concerned;
- (d) whether due and proper provision exists or is assured for water, lighting, sanitary and other necessary service within such area;
- (e) whether it is desirable that the provisions of this Chapter should be applied in respect of such area;
- (f) whether there is, within the limits of the urban local authority concerned, any other area which is wholly or for the greater part occupied for residential or trading purposes or both such purposes by the particular class of persons concerned, and if there be such other area, the extent and nature thereof, and the number, dimensions, situation and nature of sites occupied in such other area for residential or trading purposes or for both such purposes as the case may be;
- (g) whether any other area within the limits of the urban local authority concerned is available for the exclusive occupation for residential or trading purposes or both such purposes by the particular class of persons concerned; and
- (h) any other matter which the Minister or the commission may deem necessary or desirable.

(2) The commission shall have all such powers, jurisdiction and privileges as were conferred upon the commission referred to in Ordinance No. 30 of 1902 of the Transvaal, and all and several the provisions of that Ordinance shall *mutatis mutandis* apply in respect of the commission and its proceedings.

3. (1) At any time within six months after the receipt of the report of the commission, the Governor, General may by proclamation in the *Gazette* declare that, on and after a date to be mentioned in the proclamation, the area defined in the proclamation shall be a class residential area, or a class trading area, or a class residential and trading area within the urban area.

(2) More than one area within the urban area may, by any such proclamation, be defined as class residential areas, or as class trading areas, or as class residential and trading areas, as the case may be.

(3) Notwithstanding anything contained in the Precious and Base Minerals Act of the Transvaal (Act No. 35 of 1908) or any amendment thereof, or in any other law, a class trading area or a class residential and trading area may be established under this Chapter on land within an urban area which, in terms of the said Act No. 35 of 1908, or any amendment thereof, is proclaimed land or land held under mining title.

4. From and after the date mentioned in any proclamation issued under this Chapter establishing a class residential area or a class trading area, or a class residential and trading area, it shall not be lawful, save as provided in section *ten*—

Acquisition of immovable property in class areas.

(a) for any person other than a person of the class concerned to acquire immovable property or a lease or renewal of lease of immovable property within any such area; or

(b) for any person of the class concerned to acquire immovable property or a lease or renewal of lease of immovable property anywhere within the urban area save within the limits of the class residential area or of the class trading area or of the class residential and trading area, as the case may be:

Provided that nothing in this Chapter contained shall apply to the renewal of a lease of immovable property where the right to renewal was held under a written lease existing at the commencement of this Act.



5. (1) From and after the date mentioned in any proclamation issued under this Chapter establishing a class trading area or a class residential and trading area within any urban area, it shall not be lawful for any licensing court, board or authority, or for any person authorized to grant or issue licenses or permits to carry on any trade or business within that urban area—

- (a) to grant or issue to any person other than a person of the class concerned any license, permit or other authority to carry on any trade or business within the class trading area or class residential and trading area, as the case may be ; or
- (b) to grant or issue to any person of the class concerned any license or permit to carry on any trade or business within the urban area elsewhere than in the class trading area or class residential and trading area, as the case may be :

Provided however, that if the Governor-General is satisfied that it is in the general interests of the public that it should be permitted to persons of the class concerned or any restricted number of such persons to carry on any particular trade or business within the urban area elsewhere than in the class trading area or class residential and trading area, as the case may be, he may, by proclamation in the *Gazette* for such period as he may therein fix, exempt persons of the class concerned or a restricted number of such persons from the operation of paragraph (b) of this sub-section in respect of that particular trade or business.

(2) Nothing in this section contained shall be deemed to prohibit the grant to any person holding, at the date mentioned in any proclamation issued under this Chapter establishing a class trading area or a class residential and trading area within any urban area any license, permit, or other authority to carry on any trade or business, which is actually being carried on, of a renewal of such license, permit or other authority.

6. (1) Whenever, in the opinion of the urban local authority concerned, any area established under this Chapter or a class residential area or a class trading area or a class residential and trading area, proves inadequate or more than adequate for, or unsuitable either wholly or in part

to the requirements of the population of that class in the urban area, and the urban local authority deems it desirable to extend or reduce any such area or to alter the boundaries thereof, or to create a new class residential area or class trading area or class residential and trading area, the urban local authority may communicate its opinion to the Minister, who thereupon may take all such steps as he may take upon receipt of an intimation under section one.

(2) All and several the powers exercisable under this Chapter in respect of the establishment of a class residential area or a class trading area or a class residential and trading area shall be exercisable in respect of the creation of a new area or the extension or reduction of any existing area of like character or the alteration or the boundaries thereof.

(3) Nothing in this section contained shall be deemed to affect in any manner whatever any right to the renewal of a lease of immovable property where such right was held under a written lease existing at the commencement of this Act or any right to the grant to any person holding at the date mentioned in any proclamation issued in pursuance of this section any license, permit, or other authority to carry on any trade or business which is actually being carried on, of a renewal of such license, permit or other authority.

7. (1) If at any time the Governor-General is satisfied that a class residential area or a class trading area or a class residential and trading area established under this Chapter is inadequate for, or wholly or partly unsuitable to the requirements of the population of that class in the urban area concerned, and that, by reason of the delay which would necessarily take place in removing the causes of the inadequacy or unsuitability, serious prejudice would be suffered by that population unless the provisions of this Chapter in respect of such inadequate or unsuitable area be suspended, he may, by proclamation in the *Gazette*, declare that, from and after a date to be therein mentioned, the provisions of this Chapter shall be suspended in respect of the class residential area or class trading area or class residential and trading area concerned.

(2) From and after such date the provisions of this Chapter shall in all respects cease to apply to the area deemed to be inadequate or

unsuitable, and, in respect of such inadequate or unsuitable area, to the other parts of the urban area within which it is situated.

(3) The Governor-General may, whenever he may deem fit, re-proclaim as a class residential area or a class trading area or a class residential and trading area, as the case may be, any area which has been the subject of a suspending proclamation under sub-section (1) of this section, or proclaim as a class residential area or a class trading areas or a class residential and trading area under this Chapter any area which wholly or partly includes any area which has been the subject of a suspending proclamation under sub-section (1) of this section.

8. Any class residential area, or class trading area, or class residential and trading area established under this Chapter for any Asiatic race shall, for the purposes of section *two (b)* of Law No. 3 of 1885 of the Transvaal, be deemed to be an area within which, in terms of that law, fixed property may be acquired and owned by Asiatics.

Class area for Asiatics to be deemed to be area in which under Law 3, 1885 (Transvaal), Asiatics may own fixed property.

9. (1) For every class residential area, or class trading area, or class residential and trading area established under this Chapter there shall be an advisory board consisting of not less than three persons of the class concerned resident within the urban area, in addition to chairman who in the case of a non-European class area may be a European. The mode of election or selection of members of any such board, the period and conditions of office of members, and the procedure of the board shall be defined by regulations made by the urban local authority and approved by the Minister.

Class advisory board.

(2) It shall be the function of an advisory board established under this section to advise the urban local authority in respect of any matter referred to it by such authority for advice and no by-laws or regulations particularly effecting the interests of the class of persons concerned shall be made or withdrawn by an urban local authority unless the advice of such advisory board shall first have been obtained in respect of the making or withdrawal, as the case may be of such bye-law or regulation.

10. (1) The Governor-General may by proclamation in the *Gazette* declare that from and after a date to be specified therein no member of any race indicated therein shall acquire immovable property or the lease or renewal of lease of immovable property in the Province of Natal save in the coast belt as provided in sub-section (2) of this section: Provided that nothing in this section contained shall be deemed to prohibit a renewal of a lease of immovable property held under written lease at the commencement of this Act.

(2) A person who is a member of the race indicated in any proclamation issued under sub-section (1) of this section may acquire immovable property or the lease or renewal of lease of immovable property in the coast belt, from a person who is a member of the same race, but from no other person, except where the immovable property or the lease or renewal of lease of the immovable property acquired is within the limits of a class area established under this Chapter within the coast belt.

(3) From and after the date specified in any proclamation issued under sub-section (1) of this section no member of any race indicated in such proclamation shall by testamentary disposition acquire any land or interest in land or the lease or occupation of any immovable property in the coast belt, except from a member of the same race.

(4) For the purpose of this section the coast belt means so much of the Province of Natal as lies between the coast line and a line to be defined by the Governor-General by proclamation in the *Gazette* corresponding as far as practicable with the coast line and drawn at an approximate distance of thirty miles therefrom.

(5) Nothing in this section contained shall be deemed to affect the operation within the coast belt of any other provision of this Chapter.

11. (1) Subject to the provisions of sub-section (3) of section *three*, section *eight* and sub-section (3) of section *ten* of this Chapter, nothing in this Chapter contained shall be deemed—

Savings.

(a) to affect the operation of Law No. 3 of 1885 of the Transvaal or any amendment thereof, of section *two* of Act No.

18 of 1913; of Act No. 37 of 1919; of Chapter CXIII of the Orange Free State Law Book, or any amendment thereof: or of any other law prohibiting, restricting, regulating, or in any way affecting, the ownership or occupation of immovable property or trading by persons of non-European descent; or

- (b) to prohibit the acquisition by the Government or any urban local authority for educational, municipal or any other public purpose of the ownership or occupation of any immovable property; or
- (c) to prohibit the acquisition at any time of land or interests in land or the lease or occupation of any immovable property by devolution or succession on death whether under will or on intestacy from a person of the same race; or
- (d) to prohibit any executor of a deceased estate or any trustee in insolvency from holding any immovable property or trading under any license where power to do any such thing is conferred upon him by any law; or
- (e) to invalidate or affect in any manner whatever any agreement or other transaction for the sale or purchase of land lawfully entered into prior to the date mentioned in any proclamation under this Chapter establishing a class residential area or a class trading area or a class residential and trading area or extending or reducing any existing area of like character, or altering the boundaries thereof.

**12. (1)** The Governor-General may grant to any person a certificate exempting him either wholly or for such period as he may therein specify from all or any of the provisions of this Chapter; and such person shall either wholly or for such period, as the case may be, be so exempted.

(2) Nothing in the Chapter contained shall be deemed—

- (a) to affect any person who is duly accredited to the Union by or under the authority of His Majesty or the Government of any foreign state, or the wife, family, staff or servants of any such person;

(b) to refer to natives as that term is defined in section *twenty-nine* of the Native (Urban Areas) Act 1923, (Act No. 21 of 1923);

(c) to refer to—

- (i) persons born in the Union and ordinarily resident in the Province of the Cape of Good Hope who are members of the class or race known as “Cape Coloured” or of the class or race known as “Cape Malayas”;
- (ii) persons born in the Union and ordinarily resident in Union elsewhere than in the Province of the Cape of Good Hope who would if resident in that Province, be regarded as members of either of the classes or races known as “Cape Coloured” or “Cape Malayas”; and
- (iii) the people known as Mauritius Creoles or St. Helena persons or their descendants born in the Union.

Interpretation of terms.

**13.** In this Chapter unless inconsistent with the context—

“class or class of persons” includes any persons having, in the opinion of the Minister, common racial characteristics, and all white persons shall be regarded as having common racial characteristics;

“person of a class” or “member of a race” includes any company or association of persons whether registered under any law or not in which one or more persons of the class or members of the race referred to have a controlling interest;

“Minister” means the Minister of the Interior or any other Minister to whom the Governor-General may assign the administration of this Act;

“urban area” means any area under the jurisdiction of an urban local authority;

“urban local authority” means any municipal council, borough council, town council or village council, or any town board, village management board, local board or health board.

## CHAPTER II.

### IMMIGRANTS REGULATION.

**14.** Section *two* of the Immigrants Regulations Act 1913, (hereinafter in this Chapter called the principal Act) is hereby amended by the deletion from sub-section (7) of the words: "sufficient in the opinion of the Minister" and substitution therefor of the following words "fixed by the immigration officer not exceeding one hundred pounds."

Amendment of section *two*  
of Act No. 22 of 1913.

**15.** Section *three* of the principal Act is hereby amended—

Amendment of section *three*  
of Act No. 22 of 1913.

(a) by the addition to sub-section (2) of the words "From any such opinion there shall be an appeal to the Appellate Division of the Supreme Court";

(b) by the deletion from sub-section (3) thereof of the following words:

"and 'a superior court having jurisdiction' shall mean the Provincial Division of the Supreme Court which has jurisdiction where the board was sitting any judge of such division or the Eastern Districts Local Division having jurisdiction or any judge thereof."

**16.** Section *four* of the principal Act is hereby amended—

Amendment of section *four*  
of Act No. 22 of 1913.

(a) by the addition to paragraph (a) of sub-section (1) of the following words: "Provided that for the purpose of this section the Northern Districts of Natal, as described in section *three* of "The Northern Districts Annexation Act, 1902" (Act No. 1, 1903, Natal) shall be deemed to be included in the Province of the Transvaal"; and

(b) by the addition to paragraph (f) of sub-section (1) after the words "have been stolen" of the following words: "incest, sodomy, bestialty, any offence involving fraudulent conduct in connection with any insolvency"; and

(c) by the deletion of paragraph (a) of sub-section (2).

17. Section *five* of the principal Act as amended by section *three* of the Indians Relief Act, 1914, is hereby amended by the deletion of paragraphs *(e)* and *(g)* and the substitution thereof of the following new paragraphs—

Amendment of section *five*  
of Act No. 22 of 1913.

“(e) any person, other than an alien, who was born in any part of South Africa included in the Union and whose parents were at the time of his birth lawfully resident therein and were not at that time restricted to temporary or conditional residence therein by any law then in force: Provided that any person who, if he were a prohibited immigrant, would be included within any class of persons which has, in terms of paragraph *(a)* of sub-section (1) of section *four*, been deemed by the Minister to be unsuited to the requirements of the Union or any province thereof shall lose the protection accorded by this paragraph if he has acquired or shall acquire a domicile in a province of the Union other than that in which he was born;

(g) any person who is proved to the satisfaction of an immigration officer or in the case of an appeal to the satisfaction of the board, to be the wife or child under the age of sixteen years of any person exempted by paragraph *(f)* of this section:

Provided:—

- (i) that the wife or child (as the case may be) is not such a person as is described in paragraphs *(d)*, *(e)*, *(f)*, *(g)* or *(h)* of sub-section (1) of section *four*; and
- (ii) that where exempted person belongs to one of the classes described in paragraph *(a)* of sub-section (1) of section *four* the wife or child (as the case may be) enters the Union within five years after the first day of August, 1925, or within ten years after the date of the first entry into the Union, whichever period may be the longer, of the person so exempted.

In the interpretation of this paragraph “the wife” shall include any one woman between whom and the exempted person



mentioned there exists a union recognised as a marriage under the tenets of an Indian religion notwithstanding that by these tenets the union of that exempted person with other women at the same time would also be recognised as a marriage: Provided that no woman shall be deemed to be the wife of such exempted person—

(i) if such a union exists between him and any other woman who has under any law relating to immigration or to Asiatic registration been recognised within the Union as the wife of such person and has resided or resides or is domiciled in any province; or

(ii) if such exempted person has offspring resident or domiciled in any province by any woman who is still living,

and a union shall not for the purposes of this section, be deemed to have ceased to exist by reason only of the fact that according to the tenets of an Indian religion it has been dissolved.

“The child under the age of sixteen” shall mean a child who is the offspring of the exempted person and the wife as herein defined or the child of the exempted person and a deceased woman who if she had been alive could have been recognised at the time of the birth of the child as the wife (as herein defined) or whose union with the exempted person could have been registered at the time of the birth of the child as a marriage under section *two* of the Indians Relief Act, 1914.

Amendment of section *ten*  
of Act No. 22 of 1913.

18. Section *ten* of the principal Act is hereby amended by the addition of the following words:—

Any such person may be declared to be a prohibited immigrant and dealt with in terms of section *nineteen* of this Act and if such person is in possession of a registration certificate or a certificate of domicile or any other document authorizing him to remain in the Union or any province it shall be competent for any board to which he may appeal, if it be proved to the satisfaction of the board that such certificate or other document was obtained by fraudulent representations by or on behalf of the holder, to order that such certificate or other document be cancelled and the holder thereof be dealt with as a

prohibited immigrant: Provided that if such person fails to appeal to a board the Principal Immigration Officer concerned may exercise all such powers as to the cancellation of any certificate or other document as are by this section conferred upon a board.

19. Section *twenty-two* of the principal Act is hereby amended  
 Amendment of section *twenty-* by the addition of the following para-  
*two* of Act No. 22 of 1913. graph—

(*d*) for any offence under section *twenty* of this Act for which imprisonment is imposed without the option of a fine.

20. Section *thirty* of the principal Act is hereby amended by  
 the deletion of the definition of the term  
 Amendment of section *thirty* “domicile” and the substitution therefor  
 of Act No. 22 of 1913. of the following definition:—

“Domicile” shall mean the place in which a person has his or, to which he returns as his present permanent abode and not for a mere special or temporary purpose; and a person shall not be deemed to have a domicile within the Union or any province (as the case may be) for the purposes of this Act unless he has lawfully resided therein for a continuous period of three years, otherwise than under terms of conditional or temporary residence permitted by this Act or any other law or as a person under detention in prison, gaol, reformatory or mental hospital, and a person shall be deemed for the purposes of this Act to have lost his domicile within the Union or any province (as the case may be) if he absents himself from the Union or that province (as the case may be) and does not return to the Union or that province (as the case may be) within three years from the date of departure therefrom or in the case of a person who absented himself from the union or any province (as the case may be) prior to the 1st August, 1925, does not return to the Union or that province (as the case may be) before the 1st August, 1928: Provided that in cases

where a person proceeds overseas for a special or temporary purposes the Minister may authorize the issue of a certificate of identity under the provisions of sub-section (2) of section *twenty-five* of this Act allowing the person concerned to return to, and resume his residence in the province named within the period specified in such certificate or any extension thereof not exceeding ten years in all.

- 21** Section *six* of the Indians Relief Act 1914, is hereby amended by the addition after the words "any port in India" of the words "or elsewhere."
- Amendment of section *six* of Act No. 22 of 1914.

### CHAPTER III.

#### REGISTRATION OF ASIATICS.

**22.** A registration certificate issued under the provisions of the Asiatic Law Amendment Act, 1907, of the Transvaal (Act No. 2 of 1907), or the Asiatics Registration Amendment Act, 1908, of the Transvaal (Act No. 36 of 1908), may be surrendered by the holder to the Registrar of Asiatics and such surrender shall be conclusive evidence that such Indian has abandoned any right of or incidental to entry, residence or domicile in the Transvaal Province.

Surrender of Asiatic registration certificate.

**23.** If an Asiatic, who has failed to make application for registration in accordance with the provisions of paragraph (2) of section *five* of the Asiatics Registration Amendment Act, 1908, of the Transvaal, shall satisfy the Registrar of Asiatics that such failure was due to some good and sufficient cause, the Minister of the Interior may, in his discretion, authorize the Registrar to receive an application for registration from such Asiatic and the application shall be dealt with in all respects as if it had been made in accordance with the provisions of the said section and all the provisions of Act No. 36 of 1908 of the Transvaal as amended by this Act which would have applied if the application had been so made shall apply accordingly.

Circumstances in which application for Asiatic registration certificate may be made.

24. Section *seven* of the Asiatics Registration Amendment Act, 1908, of the Transvaal, is hereby amended by the deletion of the words "save as in the next succeeding section is provided."

25. Section *nine* of the Asiatics Registration Amendment Act 1908 of the Transvaal is hereby amended by the deletion of the words:

"Any Asiatic who fails upon lawful demand to produce such certificate shall, unless he is the lawful holder of a certificate of registration, be liable to be dealt with in manner mentioned in section *eight*."

#### CHAPTER IV.

#### SUPPLEMENTARY.

26. The laws mentioned in the Schedule to this Act shall be and are hereby repealed to the extent set out in the fourth column of that Schedule.

27. This Act may be cited as the Areas Reservation and Immigration and Registration (Further Provision) Act, 1925, and shall come into force on the first day of August, 1925.

#### Schedule

Province.	No. and year of Law.	Title or Subject of Law.	Extent of Repeal.
Natal	Act No. 28 of 1897.	To protect uncovenanted Indians from arrest in mistake for absconding indentured Indian servants.	The whole.
Cape	Act No 37 of 1904.	The Chinese Exclusion Act, 1904.	The whole.
Transvaal.	Act No. 36 of 1908.	The Asiatics Registration Amendment Act. 1908.	Sections <i>three, four, five</i> (paragraph one), <i>six, eight, sixteen, seventeen</i> (paragraphs five and six).

# THE ASIATIC BILL.

## PROPOSED AMENDMENTS TO THE IMMIGRANTS' REGULATION ACT.

For the convenience of our readers we give below, in parallel columns, the various clauses as at present existing in the Immigrants Regulation Act, 1913, together with the alterations, additions and deletions proposed in the "Areas Reservation and Immigration and Registration (Further Provision) Bill :—

### *The Act as it Exists.*

2. (7) No appeal shall be heard by a board unless notice thereof in the prescribed form has been given to the Immigration Officer by or on behalf of the person concerned within seventy two hours after the refusal, detention, restriction, or arrest aforesaid, or in case the appellant arrived by sea and the ship whereon he arrived is about to depart, unless such notice is given forthwith. In every case a deposit shall be made of an amount "*sufficient, in the opinion of the Minister*" to cover the detention expenses of the said person, the costs of bringing him before a board and of returning him to the place at which he was restricted if he desire to appear personally, and if he arrived by sea, the cost of his return passage by another ship to the place from which he came.

3. (2) A board may, of its own motion, and shall, at the request of the appellant or of an immigration officer, reserve for the decision of a superior court having jurisdiction, any question of Law which arises upon an appeal heard before such board under the last preceding section, and shall state such question in the form of a special case for the opinion of such court by transmitting such special case to the registrar thereof. The question so stated may be argued before such court which may call for further information to be supplied by the board if the court shall deem such information necessary and may give such answer on such case, supplemented by such information, if any, and may make such order as to the costs of the proceedings, as it may think right.

### *The Act as Proposed to be Amended.*

2. (7) The same, excepting the deletion of the words italicised and the Substitution of the following: "*fixed by the immigration officer not exceeding one hundred pounds.*"

3. (2) The same, with the addition of the following words: "From any such opinion there shall be an appeal to the Appellate Division of the Supreme Court."

*The Act as it Exists.*

3. (3) For the purpose of this section "a question of law" shall, among other questions, include a question of domicile, and "a superior court having jurisdiction" shall mean the provincial division of the Supreme Court which has jurisdiction where the board was sitting or any judge of such division, or the Eastern District Local Division having such jurisdiction or any judge thereof, and "appellant" shall not include an alien.
4. (1) (a) Any person or class of persons deemed by the Minister on economic grounds or on account of standard or habits of life to be unsuited to the requirements of the Union or any particular Province thereof;

*The Act as Proposed to be Amended.*

- 3 (3) For the purposes of this section—  
 "a question of law" shall, among other questions, include a question of domicile; and "appellant" shall not include an alien.

(Note.—Portion italicised in the opposite section is to be deleted.)

4. (1) a. The same, with the addition of the following words:—  
 "Provided that for the purpose of this section the Northern Districts of Natal, as described in section *three* of "The Northern Districts Annexation Act, 1903" (Act No. 1, 1903, Natal) shall be deemed to be included in the Province of the Transvaal."

(Note:— Act No. 1, 1903, provides for the annexation to the Colony of Natal of certain Territories forming a part of the Transvaal Colony. Section *three* referred to above is as follows:

"From and after the taking effect of this Act the undermentioned Territories, situated Northwards of the Colony of Natal now forming a part of the Transvaal Colony, shall be annexed to and shall thenceforth form a part of the Colony of Natal, that is to say:—The District of Vryheid, the District of Utrecht, a portion of the District of Walkerstroom lying south of a line drawn from the North-eastern corner of Natal, East of Volksrust to the headwaters of the Pongolo River, and thence along that river to the border of the Utrecht District.

The aforesaid Territories are in this Act shortly referred to as the Northern District."

*The Act as it Exists.*

4. (1) (f) Any person who has been convicted in any country of any of the following offences (unless he has received a free pardon therefore), namely, murder, rape, arson, theft, receiving stolen goods knowing the same to have been stolen; fraud, forgery or uttering forged documents knowing the same to have been forged, counterfeiting coin or uttering coin knowing the same to be counterfeit, housebreaking with intent to commit an offence, burglary, robbery with violence, threats by letter or otherwise with intent to extort or of any attempt to commit any such offence, and by reason of the circumstances connected with the offence, is deemed by the Minister to be an undesirable inhabitant of or visitor to the Union.

4. (2) Nothing in sub-section (1) contained shall be construed—

- (a) as enabling a person to be deemed a prohibited immigrant in the Cape of Good Hope or Natal, if, being at the commencement of this Act lawfully entitled to reside in any Province, he shows or has shown that he is able to comply with the requirements described in section *three (a)* of Act No. 30 of 1906 of the Cape of Good Hope, or of section *five (a)* of Act No. 30 of 1903 of Natal.

Note.—Section three (a) of Act No. 30 of 1906 of the Cape of Good Hope, referred to above reads as follows:—

- (a) Any person who, when asked to do so by duly authorised officer, shall be unable through deficient education to himself write out and sign in the characters of any European language an application to the satisfaction of the Minister; provided that for the purposes of this sub-section Yiddish shall be accepted as an European language.

*The Act as Proposed to be Amended.*

4. (1) (f) The same, with the addition after the words "have been stolen" of the following:—  
 "incest, sodomy, bestiality, any offence involving fraudulent conduct in connection with any insolvency."

4. (2) (a) Deleted.

*The Act as it Exists.*

Section *four* (a) of Act No. 30 of 1903 of Natal referred to in this section reads as follows:—

- (a) Any person who, when asked to do so by any duly authorized officer, shall be unable through deficient education to himself to write out and sign, in the characters of some European language, an application to the satisfaction of the Minister.

5. The following persons or classes of persons shall not be prohibited immigrants for the purpose of this Act, namely:—

- (e) any person born before the commencement of the Act in any part of South Africa included in the Union whose parents were lawfully resident therein and were not at that time restricted to temporary or conditional residence by any law then in force, and any person born in any place after the commencement of this Act whose parents were at the time of his birth domiciled in any part of South Africa included in the Union.
- (g) any person who is proved to the satisfaction of an Immigration Officer or in case of an appeal to the satisfaction of the board, to be the wife, or the child under the age of 16 years, of any person exempted by paragraph (f) of this section, provided that the wife or the child (as the case may be), is not such a person as is described in sub-section (1) (d), (e), (f), (g), or (h) of the last preceding section.

*The Act as Proposed to be Amended.*

5. The following person or classes of persons shall not be prohibited immigrants for the purposes of this Act, namely:—

- “(e) any person, other than an alien, who was born in any part of South Africa included in the Union and whose parents were at the time of his birth lawfully resident therein and were not at that time restricted to temporary or conditional residence therein by any law then in force; Provided that any person who if he were a prohibited immigrant, would be included within any class of persons which has, in terms of paragraph (a) of sub-section (1) of section *four* been deemed by the Minister to be unsuited to the requirements of the Union or any province thereof shall lose the protection accorded by this paragraph if he has acquired or shall acquire a domicile in a Province of the Union other than that in which he was born;

- (g) any person who is proved to the satisfaction of an immigration officer or in the case of an appeal to the satisfaction of the board, to be the wife or child under the age of sixteen years of any person exempted by paragraph (f) of this section:



*The Act as it Exists.**The Act as Proposed to  
be Amended.*

## Provided:

- (i) that the wife or child (as the case may be) is not such a person as is described in paragraphs (d), (e), (f), (g) or (h) of sub-section four; and
- (ii) that where exempted person belongs to one of the classes described in paragraph (a) of sub-section (1) of section *four* the wife or child (as the case may be) enters the Union within five years after the first day of August, 1925, or within ten years after the date of the first entry into the Union, whichever period may be the longer, of the person so exempted.

Note.—Paragraphs (d), (e), (f), (g), and (h) of sub-section (1) of section *four* referred to in (i) deal with criminals and deceased persons and paragraph (a) of sub-section (1) of section *four* referred to in (ii) is as follows:—

(a) any person or class of persons deemed by the Minister on economic grounds or on account of standard or habits of life to be unsuited to the requirements of the Union or any particular Province thereof.

In the interpretation of this paragraph "the wife" shall include any one woman between whom and the exempted person mentioned there exists a union recognised as a marriage under the tenets of an Indian religion notwithstanding that by those tenets the union of that exempted person with other women at the same time would also be recognised as a marriage: Provided that no woman shall be deemed to be the wife of such exempted person—

- (i) if such a union exist between him and any other woman who has under any law relating to immigration or to Asiatic registration been recognised within the Union as the wife of such person and has resided or resides or is domiciled in any province; or

*The Act as it Exists.*

10. No prohibited immigrant shall be exempt from the provisions of this Act or be allowed to remain in the Union or in any Province wherein his residence is unlawful or be deemed to have acquired a domicile therein, by reason only that he had not been informed that he could not enter or remain in the Union or (as the case may be) in that Province or that he had been allowed to enter or remain through oversight, misrepresentation or owing to the fact having been undiscovered that he was such a prohibited immigrant.

*The Act as Proposed to be Amended.*

(ii) if such exempted person has offspring resident or domiciled in any province by any woman who is still living,

and a union shall not for the purposes of this section be deemed to have ceased to exist by reason only of the fact that according to the tenets of an Indian religion it has been dissolved.

“The child under the age of sixteen” shall mean a child who is the offspring of the exempted person and the wife as herein defined or the child of the exempted person and a deceased woman who if she had been alive could have been recognised at the time of the birth of the child as the wife (as herein defined) or whose union with the exempted person could have been registered at the time of the birth of the child as a marriage under section two of the Indians Relief Act, 1914.

10. The same, with the following addition:—Any such person may be declared to be a prohibited immigrant and dealt with in terms of section *nineteen* of this Act and if such person is in possession of a registration certificate or a certificate of domicile or any other document authorizing him to remain in the Union or any province it shall be competent for any board to which he may appeal if it be proved to the satisfaction of the board that such certificate or other document was obtained by fraudulent representations by or on behalf of the holder, to order that such certificate or other document be cancelled and the holder thereof be dealt with as a prohibited immigrant: Provided that if such person fails to appeal to a board the Principal Immigration Officer concerned may exercise all such powers as to the cancellation of any certificate or other document as are by this section conferred upon a board.

*The Act as it Exists.*

22. Any person (not being a person born in any part of South Africa which has been included in the Union) who, whether before or after the commencement of this Act, has been sentenced to imprisonment—

- (a) for a contravention of provision mentioned in the first schedule to this Act or any provision hereafter amending that provision or substituted therefor or for any offence mentioned in subsection (1) (f) of section four;
- (b) for selling, bartering, giving or otherwise supplying intoxicating liquor to any coloured person in contravention of any law; or
- (c) for dealing in or being in possession of unwrought precious metal or rough or uncut precious stones in contravention of any law,

and who by reason of the circumstances connected with the offence, is deemed by the Minister to be an undesirable inhabitant of the Union, may be removed from the Union by warrant, and pending removal, may be detained in such custody as may be prescribed by regulation.

30. In this Act and in the regulations made thereunder, unless inconsistent with the context—

“domicile” shall mean the place in which a person has his present home or in which he resides or to which he returns as his place or present permanent abode and not for a mere special or temporary purpose; and a person shall not be deemed to

*The Act as Proposed to be Amended.*

22. The same, with the addition of the following new paragraph:—

- (d) for any offence under section twenty of this Act for which imprisonment has been imposed without the option of a fine.

[Note:—Section 20 above referred to reads as follows:—Any person who—

- (a) aids or abets any person in entering or remaining within the Union or any Province in contravention of this Act, knowing that person to be prohibited from so entering or remaining;
- (b) aids or abets a person ordered to be removed from the Union or any Province in evading the order, or harbours any such person knowing him to be the subject of any such order;
- (c) for the purpose of entering the Union, or any Province in which he is a prohibited immigrant, or of facilitating or assisting the entrance of himself or any other person in contravention of the Act, commits any fraudulent act or makes any false representation by conduct, statement, or otherwise,

shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or, in default of payment to imprisonment with or without hard labour for a period not exceeding six months, or to such imprisonment without the option of a fine.]

30. In this Act and in the regulations made thereunder, unless inconsistent with the context—

“domicile” shall mean the place in which a person has his present permanent home, or present permanent residence or, to which he returns as his present permanent abode and not for a mere special or temporary purpose; and a per-

*The Act as it Exists.*

have a domicile within the union or any Province (as the case may be) for the purposes of this Act unless he has resided therein for at least three years, otherwise than under terms of conditional or temporary residence permitted by this Act or any other law or as a person under detention in a prison, gaol, reformatory or lunatic asylum: and a person shall be deemed for the purposes of this Act to have lost his domicile within the Union or any Province (as the case may be) (if he voluntarily go and reside outside the Union or the Province (except for a special or temporary purpose) with the intention of making his home outside the Union or that Province (as the case may be.)

**Section six of the Indians Relief Act, 1914:—**

The Minister may in his discretion cause to be provided out of moneys appropriated by Parliament for the purpose of a free passage from any port in the Union to any port in India (with or without free conveyance by rail to such first mentioned port) for any Indian (other than an Indian who is or may become entitled under Law No. 25 of 1861--Natal--or any amendment thereof to such free passage), who makes a written request for such free passage etc.

*The Act as Proposed to be Amended.*

son shall not be deemed to have a domicile within the Union or any Province (as the case may be) for the purposes of this Act unless he has fully resided therein for a continuous period of three years, otherwise than under terms of conditional or temporary residence permitted by this Act or any other law or as a person under detention in prison, gaol, reformatory or mental hospital, and a person shall be deemed for the purposes of this Act to have lost his domicile within the union or any Province (as the case may be) if he absents himself from the Union or that Province (as the case may be) and does not return to the Union or that Province (as the case may be) within three years from the date of departure therefrom or in the case of a person who absented himself from the Union or any Province (as the case may be) prior to the 1st August, 1925, does not return to the Union or that Province (as the case may be) before the 1st August, 1928: Provided that in cases where a person proceeds overseas for a special or temporary purpose the Minister may authorize the issue of a certificate of identity under the provisions of sub-section (2) of section *twenty-five* of this Act allowing the person concerned to return to, and resume his residence in the Province named within the period specified in such certificate or any extension thereof not exceeding ten years in all.

**Section six of the Indians Relief Act, 1914, remains, with the addition after the words "any port in India" of the words "or elsewhere."**

## NATAL INDIAN CONGRESS.

P. O. Box 670,  
DURBAN,  
14th August, 1925.

To

THE IMPERIAL INDIAN CITIZENSHIP ASSOCIATION,  
BOMBAY, INDIA.

SIR,

The South African Indian Community are faced with impending repressive legislation which vitally affects their residence, both legal and otherwise, in this country. The Minister in introducing the Bill assumed the Indians were Aliens.

The vested interests of the Indian community who has been here for nearly a century are large enough to necessitate immediate action and protest on our part; but being voteless, our protest so far can only be raised ineffectively. Our salvation lies wholly and entirely on the sober influences that you might exert upon the Indian and British Governments, and for this reason we ask, that apart from our efforts here, you for your part take immediate steps to prevent the proposed legislation ever becoming law. A copy of the proposed Bill which was introduced in the past Session of the Union Parliament was sent to you recently and with this letter we attach a further copy of same, with a copy of the various sections of the laws which this Bill seeks to alter or add to, so that you may better appreciate the effects of the changes it seeks to create.

The present Bill is divided into four Chapters, the first Chapter deals with reservation of areas, the second with amendments to the Immigrants Regulation Act, the third with the registration of Asiatics in the Transvaal, and the fourth being supplementary.

### CHAPTER I.

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Before discussing this Chapter, the reader must be told that at present in Natal and the Cape Province, an Indian is free to buy, sell or lease land. In Orange Free State and the Transvaal certain limitations in this respect exist, but the avowed object of the Bill being to

affect Indians, as openly admitted by the Minister upon the first reading, Natal having a population of one hundred and forty thousand Indians, it is clear that we in Natal with particularly and immediately suffer because the present Bill provides for:—

- (a) Areas to be set apart in towns and cities and only in such areas shall Indians be permitted to buy and sell land. They will also have to trade in these areas only and no other. All businesses now existing elsewhere under lease shall cease by effluxion of time of current lease or by death of present lessee. This means that within a very short period of time most Indian businesses will cease to exist outside of the area. Indian property owners who to-day are receiving fair rents will be deprived of their reasonable income because their business and residential places will not be taken up by the European Community at a fair rental. We would point out that this portion of the Bill deliberately takes away what we now have and practically compulsorily forces us into segregated areas in towns and cities.
- (b) This Chapter provides that the Governor-General may proclaim that no Indian shall buy or lease land more than 30 miles away from the Coast line except from an Indian within that 30 miles, and if by proclamation areas are set apart within those 30 miles, then Indians will gradually in the same way as townships and cities by force of circumstances be compelled to go into these areas. This means that Indians will be debarred from purchasing or leasing properties anywhere in the Province as they now are entitled to do and will upon the completion of their present leases be compelled to give up their residence and to close down their businesses, or go into the area if there is one within the said 30 miles, and if there is no such area proclaimed that business must necessarily cease. On a hurried computation it is estimated that 500 to 700 Indian business premises in the country are likely to be affected, apart from this as Indian business or landed property outside of the 30 miles cannot be sold or leased to another Indian.

Moreover the Bill empowers the Governor-General not only to proclaim areas but also to deproclaim such areas in part or in whole: which means that even after an area has been proclaimed and occupied, no sense of security is enjoyed because the Governor-General can deproclaim such area. It is clear the intention of the Bill is to oust the Indian from his present vested proprietary rights and give him practically nothing substantial in place thereof, but virtually makes him a squatter and that at the wish and will of the minister.

The effect of the operation of these two clauses alone will cripple the whole life and trade of the Indian Community and absolutely without the shadow of a doubt crush out all Indian agricultural work, progress and prospects. In plain language without considering any other phase of the Bill the fate of the Indian is sealed and we are doomed to a legal if not physical death.

This Chapter is based upon the recent Class Areas Bill which the late Smuts Government had on the tapis, but which fell through when the Government changed

## CHAPTER II.

This Chapter deals with Immigrants Regulation. The drastic changes suggested absolutely places into the hands of the minister and Immigration Officer almost unlimited power to deal with the entry and possible deportation of Indians who have lived in this country for many years.

At present an Indian who outstays for a period of three years upon entering the port is required to  
 Section 14. prove his domicile, notwithstanding he

may already then actually have his Certificate of Domicile. He is declared a prohibited immigrant and upon payment of a sum of money which by practice £31 (Thirty-one Pounds Stg.) is found sufficient to cover, and as up till now accepted, is allowed to procure the necessary evidence and prove his domicile. Experience has shown that even this amount was not always easily obtained and our community is unaware or any Indians forfeiting this deposit and absconding and remaining

in the country, the community therefore sees no reason for the Immigration Officer being empowered to make the deposit anything up to £100, (One Hundred Pounds Stg.) as this Section provides for. It is quite conceivable, and with the present tension of feeling against us as a Community, that the Officer might impose such an amount of bail as to effectively preclude an Indian Immigrant being free from custody to procure the necessary evidence to prove his domicile.

It is felt that a capricious officer can easily do tremendous injury to a large number of *bona fide* domiciled Indians who may seek entry.

This Section seeks to revert certain two districts of Natal, namely, UTRECHT and VRYHEID to the Transvaal Province. The intention clearly is that the Minister shall be entitled so soon as he pleases to declare all Indians in these two provinces to be prohibited immigrants under what is now known as the "Deeming Order." (This Order was made by the Minister under Section 4, Sub-section 1, paragraph (a), of the Immigrants Regulation Act of 1913 by virtue of which he declared all Asiatics to be economically unsuited to the requirements of the Union and therefore prohibited immigrants. The validity of this Order was tested in the South African Appellate Court but it held the Minister's Order was correct in terms of the said Section). The effect of such an Order will be that hundreds of Indians now there will be compelled to return to their place of origin or domicile which may be Natal or India, but most probably India, because, as will be shown later, the majority of such persons there are Indians who are descendants of such Indians who originally came here under conditional residence under Act 17 of 1895 and have acquired no domicile in this country. By such an Order, hundreds of Indians can be disposed of without the hope of a successful appeal in view of the aforesaid "Deeming Order." We object to this because so long as these two districts remain as part of Natal, then a large majority may be able to claim domicile in Natal.

With regard to Section 16, Sub-section (c) in this Bill, it is sought to delete paragraph (d) of sub-section 2 of Section 4 of Act 22 of 1913, which means that a large number of Indians who have entered Natal and

Section 16, Sub-section (C).



Cape Colony under the Education Test may be declared prohibited immigrants under the "*Deeming Order*" if they applied at the ports of the Union for entry. The deletion clearly takes away a right which we to-day enjoy.

Section 17 requires very close study and investigation to understand the full meaning and effect of it.

It is far reaching and fraught with the gravest of consequences. The previous Minister as aforesaid declared all Indians to be economically unsuitable. The Minister in introducing the present Bill has referred to Indians as aliens. If all Indians, that is to say, British Indians and Indians of the Indian States are said to be aliens, then all Indians are necessarily prohibited immigrants; if the legal interpretation of the word "alien" be made use of, then subjects of the Indian States who are here in large numbers will be undoubtedly prohibited immigrants.

The proposed new Section (c) speaks of prohibiting any person whose parents were at the time of his birth lawfully resident and such residence restricted to temporary or conditional residence by any law then in force.

Under Act 17 of 1895 large number of Indians came here under terms of conditional residence; and their offspring, now the cream of the Natal born Indians numbering thousands born within the past 30 years, may possibly be also prohibited immigrants, because at the denec.

We, however think it proper to point out that the Indian Community may successfully meet this position by claiming that the Government through its Minister has issued certificates of discharge to those who came under conditional residence under Act 17 of 1895, thus waiving all claims of conditional residence. It was one of the points raised immediately after the 1914 Settlement with Mr. Gandhi and correspondence shows that it was the Government's view to grant these Indians complete domicile; and the community certainly resents to have to face the ordeal of any test cases, not because of the result, but because of the inconvenience and expense. The question is why should a settled right be interfered with.

The proposed amendment continues to make a person a prohibited immigrant if he is a person who comes under the Deeming Order and/or who has acquired a domicile in a Province of the Union where he was not born. All Asiatics as such may be at the port of entry declared as prohibited immigrants and hundreds of Indians who have acquired domicile with vested interests in other Provinces of the Union and any such person returning to this Union even from a neighbouring Province will be a prohibited Immigrant; this means his domicile in the one Province counts for nothing and he cannot take advantage of his birth place because—

- (a) He has already given up his domicile of birth,
- (b) He is a prohibited immigrant; he cannot therefore enter at all, notwithstanding any right of vested interests.

This Section proceeds to say that the wife or child of an exempted person returning to the Union within 5 years from 1st August, 1925 or within 10 years of the first entry of such exempted person shall not be prohibited. This means that every Indian now in this Union must either before 1st August, 1930 bring back his wife and children into the Union, or within 10 years of his first entry into the Union. The effect however is that an Indian cannot after 10 years from now go to India, marry there, and bring back his wife. This is clearly an infringement and restriction of personal right and liberty.

Notwithstanding, this new Bill gives an exempted Indian the right to bring back his wife within 5 or 10 years as the case may be, yet by a further provision in this new Bill he would be prevented from bringing in such wife if it could be shown that:

- (a) he already has a woman still living in the Union with whom there exists a union recognised by this Government, or
- (b) any child or children in the Union by any woman at  
• all is still living.

This means that an Indian marrying under the tenets of an Indian religion and not registering such marriage may have children and thereafter divorce this wife according to the Indian religion and thereafter she becomes the registered wife of some other man or remains unmarried, then the first husband cannot go to India and

bring a legitimate wife because he has a child resident in the Union by a woman who is still living though not his wife. This heavy punishment is unjustifiable and unproportionate, and is a ban not imposed upon any community in the world.

The definition of 'the child under the age of sixteen' is such as to debar an illegitimate child whose parents later on marry and are looked upon as persons whose marriage could have been registered under Section 2 of the Indians Relief Act, 1914, because the child was at the time of its birth not born of parents who were married at all. Under every law of civilised people it has been held that subsequent marriage legitimatizes birth: consequently the Indian community hold that all children born of parents who ultimately marry and whose marriage is recognised under the Relief Act should be treated as legitimate children.

With regard to Section 18 of the new Bill which seeks to make  
 Section 18. an addition to Section 10 of Act 22 of 1913, we desire to point out that the addition is quite unnecessary, as the present practice is that an Indian even already in the Union may be arrested and declared a prohibited immigrant and dealt with under Section 19 of Act 22 of 1913. Many cases have already been so dealt with..

As regards Section 19 of this Bill which makes the addition to  
 Section 19. Section 22 that for an offence for which imprisonment without a fine is imposed and that such person may be declared a prohibited immigrant, we desire to say that with this addition and the whole Section being read together, then any person in the Union who has ever been sentenced to imprisonment without the option of a fine, whether before or after the passing of Act 22 of 1913, can be declared by the Minister to be an undesirable inhabitant and be deported.

If for any reason the Government do not exercise its authority, harsh though it may be, the addition still is an incentive to the judicial functionaries influenced by the administrative section to impose punishments without the option of a fine so as to provide ground for the Minister to secure his necessary number of victims for deportation. This power should never be given to anybody because many of the

offences are sometimes best suitably dealt with by imprisonment only, but the circumstances of such offence may never be so grave as to justify deportation. The discretion given to the Minister may never be nor can be from past experience expected to be exercised in our favour.

Section 20 of the present Bill will affect a large number of  
 Section 20. Indians, in that they will be compelled to give up a dual domicile in the Union, because many persons hold a domicile for instance in the Transvaal by birth or residence and have also similarly by birth or residence have a domicile in Natal. This right will by operation of law cease to exist in three years, which means that large vested interests in one or other of the Provinces cannot be effectively dealt with or protected by the owner and such business must necessarily be closed down.

Again, Indians, including those born in the Union, by their mere absence from the Union for more than 3 years at a time lose their domicile. This appears to be in conflict with all known law as regards to domicile because this Bill takes away and does not give effect to a man's legal intention as to his own domicile. This also entirely takes away the present established right preserved to an Indian by virtue of his Certificate of Domicile. In order to preserve domicile a person must return within the three years and then may immediately leave again for another three years. What is to be done with a South African born Indian who absents himself for more than three years and thus loses his domicile? Where is he to go? This surely renders the Act farcical and places the Indian under great inconvenience and unnecessary expenses with no corresponding benefit to anyone. The same argument applies to those who under the amendment are required to return before 1st August, 1928.

The provision empowering the Minister to issue permits for a longer period than three years is not obligatory, and should he, as we expect refuse all applications as a matter of course, then there is no relief from such decision. We feel that the whole of this Section deprives us of our common law rights of freedom and restriction of personal movements. This condition of things must not be allowed to come into existence.

## CHAPTER III.

Chapter III applies to registration of Asiatics but deals only with those whose registration should be effected in the Transvaal. The present provisions of Act 36 of 1908 Transvaal gives a Magistrate a right to grant a period of 8 days to an Indian to have himself registered but the present amendment takes away this right and places an Indian's application wholly at the discretion of the Minister. It is felt that this is likely to operate adversely to the Indian and the present law should not be disturbed.

## CONCLUSION.

The last comment we make on the Bill is that it is to be made retrospective as from the 1st day of August, 1925. The Minister in his first reading explains that he was doing this so as to prevent a scramble by the Asiatics to become possessed of vested interests before the Bill could become law. This retrospective operation is bound to affect all transactions in regard to land amongst the Indian Community. As a matter of fact it has already crippled and effectively restricted transactions in the buying and selling of freehold properties. It is superfluous to remark that this position is unprecedented in the annals of any country.

We shall by every fibre in our system endeavour to calmly and constitutionally protest against this Bill, but from past experience and from present knowledge of the existing race prejudice, we are constrained to believe that our representations will be futile. We however do believe that with concerted action of Indian influence from India and its Government acting with the British Government we may enjoy the protection which was preserved to us in the South Africa Act, Section 147, which provides that—

“The control and administration of Native Affairs and of matters specially or differentially affecting Asiatics throughout the Union shall vest in the Governor-General-in-Council, etc., etc.”

IS THIS PROTECTION TO MEAN NOTHING TO US?

IS THE BRITISH GOVERNMENT A WEAK REED AND  
UNABLE TO-DAY TO PROTECT ITS SUBJECTS!

IS THE INDIAN GOVERNMENT UNMINDFUL OR INDIFFERENT TO ITS INDIAN SUBJECTS OUTSIDE OF INDIA?

IS INDIAN REPRESENTATION ON THE LEAGUE OF NATIONS TO COUNT FOR NOUGHT?

If the answers to the foregoing questions are important, then we rely upon you obtaining those answers for us.

We beg to remain,  
Yours truly,  
AMOD BAYAT,  
*President,*

SCRABJEE RUSTOMJEE,  
V. S. C. PATHER,  
*Joint Hon. Secretaries,*  
THE NATAL INDIAN CONGRESS.

**Correspondence between the Government of India and  
the Government of the Union of South Africa regard-  
ing the position of Indians in South Africa, 1925.**

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**I.**

**Telegram to the Governor-General of the Union of South  
Africa, No. 14-C., dated the 8th April.**

We have the honour to address you regarding position of Indian community in South Africa. During last four years it has frequently formed subject of representations on our part both in its general aspect and with reference to particular measures such as Durban and Natal Land Alienation Ordinances, Natal Rural Dealer's Licensing Ordinance, Class Areas Bill, and more recently Natal Boroughs and Township Ordinance. Last enactment though provincial in scope has given rise to feelings of profound apprehension in this country and, so far as we are aware, among Indian community throughout Union as to latter's future. Provisions of Mines and Works Act Amending Bill, which we understand has now been referred to a select committee of Union Assembly, and private bill introduced by Mr. Collins, which was designed to restrict still further Indian trading rights in the Transvaal but which we learn has now been withdrawn, have, in conjunction with avowed determination of a strong party in South Africa to curtail Indian civil and economic privileges as much as possible, deepened sentiments of uncertainty and alarm.

2. We think it will serve no useful purpose to attempt to analyse cause and consequence of present situation. We recognise that Your Excellency's Government are bound to take account of public opinion in South Africa and that at least in two provinces an important section of electorate is not friendly to Indians. We are also anxious not to aggravate a delicate situation by indulging in generalisations about aims and motives. The problems of South Africa, we believe, are probably racial only on surface. They rest on differences in history, outlook and civilisation of constituent elements of its population which penetrate deeper than colour of their skins. To solve these problems can be no easy task. All that we wish to urge is that a satisfactory and permanent solution can be possible only if leaders of races concerned will exercise to their utmost qualities of mutual understanding and forbearance. We are

confident that such a solution is as anxiously desired by Your Excellency's Ministers, no matter from what political party they may be drawn, as it is by Government and people of India.

3. Our interest in Indian question in South Africa requires no justification. In their minute No. 984, dated 15th December 1922, Ministers of Your Excellency's predecessor observed that they fully realised "the interest taken by Government of India in this question and their sense of responsibility for welfare of Indian population in those provinces where the law does not accord to it privilege of franchise." We take liberty to assume that this is also view of Your Excellency's present Ministers. For our part we are less anxious to lay stress on our responsibility than on our earnest desire to assist in finding a satisfactory and abiding solution of Indian problem. In aiming at this objective we are inspired by a larger ideal than mere protection of interests of Indians in South Africa. That ideal is maintenance of relations of cordiality and good will between India and South Africa. We trust that proposal which we now make will be received and considered in same spirit.

4. In our opinion an essential preliminary to formulation of a comprehensive Indian policy in South Africa which will be acceptable to more reasonable sections of all parties concerned is a conference in which representatives of Your Excellency's Government and of Government of India should participate. Unless opportunity is provided for a full, frank and personal discussion between accredited spokesmen of these two Governments requisite conditions for a ready understanding of divergent points of view and for prompt adjustment thereof in a spirit of compromise will not be established. Correspondence can never be an adequate substitute for personal discussion especially when both distance and psychological difficulties tend to delay a settlement. During his visit to South Africa last September, Mr. Thomas, then His Majesty's Principal Secretary of State for Colonies, made an informal suggestion more or less to this effect in a speech which he delivered at Pietermaritzburg. It was also pressed upon us by a remarkable representative deputation consisting of members of Indian Legislature and



prominent European businessmen and members of the Indian commercial community who waited upon His Excellency the Viceroy last January to draw attention to seriousness and urgency of this problem. We had hoped that Your Excellency's Government would take official cognisance of Mr. Thomas' suggestion. As they have not done so we now venture to take initiative and put it forward ourselves for their favourable consideration. We are not committed to any particular form or venue for this conference. We should prefer that it should be held in South Africa which is scene of action and where views of parties directly affected can most quickly be ascertained; but if for any reason Your Excellency's Government do not favour idea we shall be glad to invite your representatives to India or depute our delegates to any other convenient centre such as Geneva for purposes of discussion. Thus, during forthcoming session of Assembly of League of Nations representatives of two Governments could confidentially exchange views on this important question.

5. We do not propose at this stage to indicate in any detailed scope of these discussions. In our opinion economic and educational issues are of immediate practical importance and if Union Government consider that such a course would help in the acceptance of principle our suggestion we should be willing to consider desirability of excluding question of political equality from purview of proposed conversations. Educated opinion in India looks upon realisation of this ideal as a matter of vital national concern and our readiness not to raise this question for the present is an earnest of sincerity of our desire to arrive at a common basis of discussion. If none of these suggestions commend themselves to Your Excellency's Minister, we shall be glad to explore any other avenue that holds out prospects of a settlement which will ensure progress and contentment of Indian community in South Africa on a permanent footing and in a manner consistent with their national self-respect. We would repeat what we have already said that our main anxiety is to seek a settlement. We are not committed to any particular method.

6. There is one aspect of question on which we would like to dwell\* before we conclude. We understand that in replying to

a deputation from the Natal Indian Congress which waited on your Government of Pretoria on 10th December in connection with Natal Boroughs Ordinance the Prime Minister stated that the constitution reserved the right to legislate on certain local matters to the provinces that Natal was acting entirely within its rights in the matter of this Ordinance, which had the support of the people and that it was hardly within the province of the Union Government to interfere with those rights unless it were prepared to substitute some other machinery to meet the wishes of the people. It would be presumptuous for us to question view of so high an authority on a point of domestic constitutional convention and we hope that our observations on subject will not be misunderstood. All that we wish to urge is that any piece of legislation that adversely affects existing Indian rights, even if its operation is to be strictly confined to boundaries of one province, has wider repercussions. It disturbs domiciled Indian community throughout Union; it agitates opinion all over India; it affects relations of two countries as a whole. We venture, therefore, to submit that such measures should be adjusted not in light of strict constitutional principles but in broader light of Imperial and international considerations.

## II.

### **Telegram from the Governor-General, South Africa, dated the 16th June, 1925.**

Your telegram dated 8th April. My Ministers have asked me to convey to you their observations on proposed conference to discuss position of Indians in South Africa in following terms. In response to communication from Government of India Ministers wish to express their sincere appreciation of every friendly spirit which pervades that document and of sympathetic understanding of their peculiar difficulty and evident desire on part Government of India not in any way to complicate a delicate situation.

In connection with reference in paragraph 3 of communication Ministers gladly endorse sentiment that it is only natural for Government of India to take an interest in welfare of Indians and generally in Indian questions in South Africa especially in view of

possible effect of position in South Africa on disposition of people of India. They cannot therefore regard any representation and suggestion which Government of India may make otherwise than in a friendly light and as actuated by a sincere desire to promote welfare and contentment of Indians generally as well as good relations between their respective countries. Ministers further gladly recognise that although ultimate responsibility and decision in regard to South African problem rests with South Africa alone a friendly exchange of views between Government of India and South Africa on particular aspect of Indian question may lead to a better understanding of each other's standpoint and assist materially in its solution.

Such a conference as suggested in 4th paragraph of communication between representatives of Government of India and South Africa respectively has had most serious consideration of Ministers who feel, however, that difficulties surrounding this line of action are such that they find themselves unable to agree to it however much they would like to meet wishes of Government of India. Practically all parties in South Africa agree on broad principles that by strict prohibition of Indian immigration and by means of active repatriation that Indian population in South Africa shall be reduced as nearly as possible to irreducible minimum. For years this has actually been recognised and unchallenged policy of successive Governments whatever measure of success may have been which has attended their efforts. Under the circumstances it is evident to Ministers and they would desire to impress this on Government of India that feeling in South Africa in connection with political, economic and racial status of Indians bear a direct relation to and is almost entirely dependent upon effectiveness or otherwise of repatriation. In view of this it must further be evident that public opinion in South Africa will regard with gravest suspicion such a conference as suggested which does not explicitly open prospect of such a reduction of Indian population as will be considered satisfactory and will almost certainly look upon it as an interference from outside. If a satisfactory and effective process of repatriation could be initiated Ministers feel assured that alarm of European population will be so considerably allayed that public opinion will come to look much more favourably upon existing and future rights of Indians than has hitherto

been the case. Any helpful suggestion which Government of India might, at any time, put forward in this respect will be cordially welcomed by Ministers.

### III.

#### **Telegram to the Governor-General, South Africa, Cape Town No. 403, dated the 14th July, 1925.**

We thank you for your telegram dated 16th June in which you communicate views of your Ministers on proposal for conference adumbrated in our telegram of 8th April. We deeply appreciate courteous and friendly tone of communication though we cannot disguise our profound disappointment at conclusion at which your Ministers have arrived. In view, however, of their apparent and earnest desire to grapple with Indian problem in a broad and sympathetic spirit and their invitation to us to offer suggestions on the question of repatriation, we venture to renew the suggestion in the hope that it may be reconsidered, in the light of the observations set out below.

2. So far as we can gather the main objection to our proposal is that public opinion in South Africa will view with gravest suspicion and as an interference from outside any conference which does not explicitly open prospect of a reduction of Indian population by strict prohibition of immigration and active repatriation. So far as prohibition of immigration is concerned Government of India acquiesced in principle in 1918 when right of each community to regulate composition of its population by means of suitable immigration laws was explicitly recognised and it was never our purpose to re-open that question. In regard to repatriation, we are quite willing to explore this question with your Government and indeed this is a subject which the Conference, we suggest, could usefully discuss. But as responsible opinion in South Africa recognises, repatriation by itself cannot provide effective solution of problem of European and Asiatic competition in economic sphere which is in the main responsible for present tension between two communities since nearly 63 per cent. of resident Indian population was born in South Africa and the majority of that element regard that country as

their home, and are hardly likely to return to India unless compelled to do so. If, as we are confident, your Ministers do not contemplate to make repatriation obligatory, methods of improving present situation other than encouragement of resident Indian to return voluntarily to India will have to be explored. Thus the possibility of diverting Indians into channels of activity where they may not come into intimate or extensive competition with the European or of so regulating the conditions of employment as to render competition in spheres where it is unavoidable strictly equal and fair deserves careful investigation. It was with a view to assist in this task and work out a scheme which could be commended to both communities as offering basis for settlement safe and honourable to both communities that we asked for a conference. We venture to think that if the scope of the proposed discussions were fully explained and it were made quite clear that they did not commit the Union Government to the acceptance of any agreement that may result from them without consultation with the South African Parliament and public the conference could probably meet without arousing misgiving or suspicion.

3. We are repeating the suggestion with a single-hearted desire to secure a speedy, complete and amicable solution of a problem which for years has been a progressive source of danger to the continuance of friendly relations between the two countries, and we earnestly hope that Your Excellency's Government will consider it in the same broad and friendly spirit.

#### IV.

**Letter from the Governor-General of South Africa, Cape Town, to His Excellency The Right Honourable The Earl of Reading, G.M.S.I., G.M.I.E., G.C.B., K.C.V.O., etc., etc., Viceroy of India, No. 15-1262, dated the 28th July 1925.**

I have the honour to transmit herewith ten copies of the Areas Reservation and Immigration and Registration (Further Provision) Bill which was introduced into the House of Assembly on the 23rd July, together with a press report of the speech made by the Minister

of the Interior on that occasion. Parliament was prorogued on the 25th idem and in the ordinary course of events will not reassemble until early next year. As Your Excellency will see from the Minister's remarks, the Bill has been introduced at this juncture in order that an opportunity may be offered for criticism before the matter is discussed in Parliament.

## V.

### **Telegram to the Governor-General of South Africa, Cape Town, No. 522-Os., dated the 7th September, 1925.**

I thank you for your despatch No. 15-1262, dated 28th July 1925, forwarding copies of Areas Reservation and Immigration and Registration (Further Provision) Bill introduced into House of Assembly on 23rd July. I would be failing in my duty if I did not inform Your Excellency that my Government and I feel deep concern at the provisions of the Bill. We propose to address you at length on the subject when we have had an opportunity of examining fully all implications of the measure.

2. We have not yet received a reply to our telegram dated the July repeating the proposal for a Conference to discuss position of Indians in South Africa. We should be glad to learn the views of your Government as soon as possible and trust that it may be possible for them to accept our suggestion.

## VI.

### **Telegram from the Governor-General, South Africa, Pretoria, dated the 24th September, 1925.**

Your telegram dated 14th July, Indian question in South Africa. My Ministers very much regret their reply has been delayed so long. They wish, however, to assure the Government of India that this delay was due entirely to circumstances over which they had no control.

2. In the light of the views expressed in your telegram, my Ministers have very earnestly reconsidered their previous attitude with regard to holding of a conference on Indian questions. They

regret, however, that they cannot find sufficient reasons for departing from their views as conveyed in my telegram dated the 15th June. Being in close contact with the public feeling in South Africa and knowing as they do how holding of a conference on the Indian question without limiting the scope of such conference to some definite and concrete questions is likely to be looked upon and resented by the people here as an interference from outside, my Ministers are satisfied by deciding as they have, they merely give expression to great masses of responsible public opinion in the country.

3. My Ministers further wish to express their satisfaction and gratitude for readiness of Government of India to explore with them the possibility of more effective repatriation scheme which will result in a considerable reduction of Indian population in South Africa and which, if successful, is sure to facilitate enormously a generally acceptable and final solution of the general question of political, social and economic status of that residue which cannot be repatriated. In this connection my Ministers wish to point out that the extent to which repatriation is possible is not necessarily limited to number of Indians born overseas, as is evidently supposed by Government of India, as official figures show more than one-third of Indians hitherto voluntarily repatriated are South African born.

4. The question whether conversations between Government of India and Union Government with regard to repatriation shall be carried on through ordinary channel or at a conference as proposed must, in the views of my Ministers, depend upon the nature and practicability of any concrete proposals which during the preliminary discussions might tentatively and provisionally be brought forward. In order to give the Government of India some indications of the lines on which the Union Government have been thinking, my Ministers state that for a considerable time they have contemplated the possibility of supplementing the inducements now offered to voluntary repatriates by land settlement scheme in India or some adjacent territory together with such other provision for those who do not intend to settle on the land as may prove to be practicable. Such a scheme or schemes can naturally only be undertaken with the co-operation of the Government of India, which co-operation together with further suggestions will be heartily welcomed by my Ministers.

5. With regard to the points raised by the Government of India as to "the possibility of diverting Indians into channels of activity where they may not come into intimate or extensive competition with the Europeans or of so regulating the conditions of employment as to render competition in spheres, where it is unavoidable, strictly equal and fair," my Ministers will gladly welcome any concrete suggestions which the Government of India might desire to make. They further wish to state that if further discussions about repatriation, as indicated above, might point the way to the holding of a conference definitely restricted in scope, they will raise no objection to the inclusion of this particular aspect of the question within the range of the conference.

## VII.

### **Telegram to the Governor-General, South Africa, Cape Town No. 606, dated the 9th October, 1925.**

Your telegram dated September 24th. Indian question in South Africa. We greatly regret that we have been unable to persuade Your Excellency's Ministers to agree to a conference, as we had hoped that the limitations on its scope suggested in our telegram of July 14th would have assisted them in acceding to our wishes.

*Paragraph 2.*—The Government of India are as ever ready to help the Union Government in finding a just and satisfactory solution of this difficult question, but they feel it only right to point out that a misunderstanding has arisen regarding the intention underlying the reference to repatriation in my telegram of July 14th. It was not our intention to suggest that we were willing to co-operate with Your Excellency's Ministers in exploring the possibility of more effective repatriation with the object of bringing about a considerable reduction in the Indian population in South Africa. All that we meant was that while repatriation would never by itself afford a solution of the problem, the existing scheme of repatriation on a purely voluntary basis might be re-examined with a view to ascertaining what difficulties had arisen in its working and how these difficulties could best be smoothed away. Conference of which the main object was to expedite Indian repatriation was not contemplated by me.



*Paragraph 3.*—Your Excellency's Ministers refer to the ultimate possibility of a conference regarding repatriation in certain circumstances, but the Government of India feel that they are not in a position to enter into a discussion of the repatriation question without fuller knowledge of local conditions than they at present possess. We note with satisfaction that your Excellency's Minister would welcome any concrete suggestions which we have to offer either on this question or on the general question of mitigating direct competition between Europeans and Indians. We should be glad to avail ourselves of this offer, but feel that as a preliminary to entering into such a discussion, it is essential that we should be equipped with full and up-to-date knowledge of local conditions. We should therefore like, if your Government see no objection, to send a deputation to South Africa with instructions to collect information regarding the economic position of Indians and to investigate their general condition. We are anxious that this preliminary investigation should be completed as soon as possible in order that no avoidable delay may occur in arriving at a satisfactory conclusion. We trust that your Ministers will be able to accept this suggestion and hope that by this means we may be able to be of real assistance to them. As the object of our deputation would be to suggest an alternative solution of the Indian question to that embodied in the Areas Reservation and Immigration and Registration (Further Provision) Bill, we trust that your Government will have no objection to postponing further progress with that Bill until our considered suggestions are before them.

## VIII.

### **Telegram to His Excellency the Governor-General of South Africa, Cape Town, No. 609—Os., dated 12th October, 1925.**

Reference Areas Reservation and Immigration and Registration (Further Provision) Bill, copies of which were received with Your Excellency's despatch No. 15-1262 of 28th July. We have carefully examined above Bill and, as foreshadowed in my telegram of 7th September, beg leave to make following observations on it:—

(1) According to statement made by Minister when introducing it, Bill assumes that Indian is an alien element in population of

Union and is designed to reduce that element considerably. We question whether the Indian population, of which more than 60 per cent, is South African by birth, can justly be regarded as alien element. Bulk of them have been settled in Union for long periods, have in their own respective spheres contributed to development of country, and proved their value to the other elements in the population. They have acquired vested interests and established manifold associations severance of which will be a source of distress to many and great economic dislocation and loss. As British subjects resident in South Africa they look, and, we submit, are entitled to look upon Union Government as the trustee of their interests equally with other elements in the population.

(2) *Chapter I.—(a)* As regards residential and commercial Segregation, Bill in the main reproduces provisions of the Class Areas Bill of the late Government. Our objections to the principle of racial segregation were set forth in paragraphs 7 to 9 of our despatch of August 23rd, 1923, and to the provisions of the Class Areas Bill in our telegram of March 14th, 1924, No. 257. In our opinion those objections have lost none of their force. Materially applications of these provisions will entail loss on Indian community by reducing value of immovable property now owned by Indian outside areas to be set apart for them and restrict their opportunity for trade. Socially Indian community will regard measure as inflicting humiliation, sense of which, we fear, will be aggravated by clause 12 of new Bill which excludes classes known as Cape Coloured and Cape Malaya from its scope.

(b) Clause 10 is evidently based on recommendation made by majority of Asiatic Inquiry Commission but is wider and more drastic in that it is evidently intended to apply not only to agricultural land and purports to restrict the right of Asiatics to acquire immovable property within reserved belt from non-Asiatics, except within urban class areas set apart for them. To prohibit acquisition of agricultural land except from existing Indian holders would increase congestion in areas round Durban and at such places as Stanger where it is already so great that the Indian cultivators can hardly obtain a living from the small patch which he cultivates. As Indians in coast belt are largely descendants of agricultural labourers introduced some generations ago such prohibition will be a source of

great hardship to them. In Minute No. 984 of your predecessor's Minister, dated 15th December, 1922, we were informed that the recommendation of the Commission did not commend itself to them. We earnestly hope in light of the consideration now put forward as well as those advanced in paragraph 6 of our despatch No. 307-R.A. of 19th—27th December 1921, your present advisers will consent even now to revise decision in matter.

(3) *Chapter II.*—(i) Clause 16 (c) of Bill will have effect of restricting further entry of Asiatics lawfully resident in other parts of Union into Natal and Cape of Good Hope. The reasons for proposing this provision are unknown to us, but we venture to point out that the restriction of freedom of inter-provincial movement must seriously affect vested interests. Again imposition of time-limit in respect of entry into Union of wives and children of lawfully resident Indians prescribed in (ii) of proviso to clause 17 is scarcely in consonance with terms of paragraph 3 of Reciprocity resolutions of 1918, which did not contemplate any such limitation and which representatives of South Africa accepted. In view of disparity between two sexes of resident population, it will inflict great hardship on unmarried Indians.

(ii) Sub-section (e) which clause 17 of Bill substitutes for present sub-section (e) of section 5 of Immigrants' Regulation Act (No. 22 of 1913) empowers Ministers to withdraw from Asiatics born of parents lawfully resident in any province of the Union, domicile that they have already acquired or may hereafter acquire in another province. Here, again, we fear that existing rights will be seriously prejudiced.

(4) *Chapter III. Registration.*—We have no comments of principle to make in regard to provisions in this chapter.

(5) In our previous telegrams we have drawn attention to widespread apprehension which recent developments in regard to position of Asiatics in Union have created in India. Terms of new Bill, text of which has been published in newspapers, are regarded here as deliberately harsh and oppressive towards Indians. We have always pleaded with utmost earnestness for comprehensive consideration of Asiatic problem in broad and dispassionate spirit with

a view to finding some solution acceptable to all communities in South Africa. In our opinion Bill will destroy hope of ever arriving at such solution and will have most harmful reaction on public opinion here. A conference on lines suggested in our telegrams of 8th April and 14th July would, in our opinion have provided best opportunity for exploring situation, but we have learnt with regret from your telegram of 24th September that idea does not commend itself to your Ministers. We trust, however, that they will accede to request made in our telegram dated 9th October to send a deputation to South Africa to collect information regarding economic and general conditions of Indian community so as to enable us to suggest solution of this difficult problem less unacceptable than that embodied in the Bill, and will also agree to postpone further progress of measure until our alternative proposals are before them.

## IX.

### **Telegram from the Governor-General, South Africa, to Viceroy, Delhi, dated the 10th November, 1925.**

(i) In reply to your telegram 9th October, 1925, 406-Os., my Ministers state that they very much regret that Government of India find it impossible to co-operate with them in devising some more effective scheme of voluntary repatriation. They do so more especially because as they have previously pointed out there exists no better and surer means of favourably influencing the attitude of European population and thus of eventual furthering general interest of Indians in South Africa than the reduction of present Indian population to irreducible minimum. They feel that it is not necessary to add that any assistance which the Government of India might be able and willing to render to ensure the more effective working of existing repatriation arrangements will be heartily welcome.

(ii) Ministers have very carefully and sympathetically considered request to postpone their proposed legislation until the Government of India shall have taken certain steps as outlined in your last communication. If such postponement is to mean that Asiatic question will not be effectively and, if possible, finally dealt with during the forthcoming session of Parliament as seems likely to be

the case, they very much regret that they will be unable to meet the wishes of the Government of India. In this connection they desire to point out that their proposed legislation is not only generally considered to be very urgent, but that it is also admittedly long overdue. Apart from the fact that present Government have publicly undertaken to introduce their Bill and have actually done so during the last session but were unable to pass it, similar legislation, as must be well known, was already attempted in the form of Class Areas Bill by my Minister's predecessors and would probably have been enacted by this time if dissolution of Parliament and a change of Government had not intervened. Furthermore my Ministers wish to point out that on broad lines the Areas Reservation and Immigration and Registration (Further Provision) Bill follow the recommendations of the Asiatic Enquiry Commission which reported as far back as March 1921 and that of these recommendations the Government of India cannot have been unaware nor were their views in this connection unrepresented as throughout that Commission of Enquiry they were officially represented by Sir Benjamin Robertson, late Chief Commissioner of the Central Provinces, India, accompanied by Mr. G. L. Corbett of Indian Civil Service.

(iii) With regard to the proposal to send a deputation to South Africa for the purpose of investigation my Ministers state that if Government of India consider this to be best and most desired method of obtaining such first-hand information as they require no objection will be raised by them against proposed course of action. Ministers naturally realise that under certain circumstances and without exercise of all due discretion it is possible that an enquiry of this nature may exercise a disturbing effect on the minds of Indian population in South Africa and may in the beginning increase the Union Government's difficulties and lead to profound irritation on the part of the European population but in spite of this they have sufficient confidence in good intention and discretion of the Government of India to concur in the action they desire.

(iv) With reference to the contents of your later telegram dated 12th October 1925, No. 609, my Ministers wish to assure the Government of India that their observation on various provisions of Areas Reservation and Immigration and Registration (Further Provision) Bill will have their fullest and most earnest consideration.

## X.

**Telegram to the Governor-General of South Africa, No. 667—  
Os., dated the 18th November 1925.**

*Clear the line.*—Your telegram dated 10th November, 1925. We are most grateful to Your Excellency's Government for agreeing to our sending deputation to South Africa to make certain enquiries. Deputation will consist of one senior British official of the Indian Civil Service and two prominent Indian non-officials who either have been or are members of the Indian Legislature, as members, one officer of the Indian Civil Service as Secretary and possibly one clerk. We shall communicate to you the names of the gentlemen composing the deputation as soon as they have been selected. Its defined purpose will be to inquire into and report to us on economic position and general condition of Indians in South Africa and Your Ministers may rest assured that we fully appreciate the importance of selecting representatives who will exercise due discretion in the conduct of such an enquiry.

2. We are trying to arrange that deputation should sail from Bombay per S.S. "Karagola" on 25th November. It is possible that special facilities in regard to its travelling and accommodation in South Africa may be required. We shall address you again on this point as soon as personnel of deputation is settled, and trust that Your Excellency's Government will be ready to assist us.

3. It was not our intention to suggest that no attempt should be made during the forthcoming session of the Union Parliament to deal with Indian problem. It would be sufficient if next stage in the progress of the Areas Reservation and Immigration and Registration (Further Provision) Bill could be postponed until we have had time to consider report of our deputation and make representations in light of that report. If, as we anticipate, deputation complete their work rapidly, we should be in a position to formulate our conclusions early in the New Year. If after consideration of our views Your Ministers decide to proceed with Bill, they would still, we believe, have sufficient time before end of session. We shall therefore be grateful if Your Ministers would agree to defer action relating to Bill for short time to enable us after receipt of views and suggestions of deputation to submit representations for your consideration.

4. We thank you for assurance that remarks on the provisions of the Areas Reservation and Immigration and Registration (Further Provision) Bill communicated in our telegram No. 609 of the 12th October will receive fullest and most earnest consideration of Ministers.

## XI.

### **Telegram to the Governor-General, South Africa, dated Delhi, the 26th November, 1925.**

Please refer to my telegram of November 18th. Our deputation has now sailed, and we hope that they will complete their investigations and telegraph a summary of their conclusions to us five or six weeks after their arrival at Durban. In paragraph 4 of your telegram dated September 24th your Government expressed the opinion that the question whether conversations between Government of India and Union Government with regard to repatriation should be carried on through ordinary channels or at a conference must depend on the nature and practicability of any concrete proposals which during the preliminary discussions might tentatively and provisionally be brought forward. In sending our deputation, we have, as we explained in paragraph 3 of our telegram of October 9th kept the possibility of a conference in view and have hopes that the proposals which we may be in a position to put forward as result of deputation's report may form acceptable basis for conversations between Union Government and our representatives. We trust that Union Government on their part will not in meantime take any action that will preclude possibility of such conversations, if it is ultimately agreed that they are desirable.

## XII.

### **Telegram to the Governor-General, South Africa, Pretoria, No. 705, dated the 28th November, 1925.**

Reference my telegram dated November 18th. Personnel of deputation, which sailed from Bombay for South Africa by S.S. "Kara-gola" on 25th November, is as follows:—

G. F. Paddison, C.S.I., I.C.S., Commissioner of Labour, Madras—*Leader*.

Hon'ble Syed Raza Ali, Member of Council of State—*Member*.  
 G. S. Bajpai C.B.E., I.C.S., Acting Deputy Secretary to  
 the Government of India—*Secretary*.

C. S. Ricketts—*Assistant*

It is anticipated that the third and only remaining member of deputation whose name will be communicated in a few days, will sail by boat leaving Bombay on December 6th. The deputation will then be complete.

2. Deputation will arrange its programme of work after reaching Durban and we would welcome any assistance that Your Excellency's Ministers and administrative officers may be able to give them in carrying out the duties entrusted to them. Deputation will probably have to travel extensively and as it is important that its report should be completed as quickly as possible, much of the work connected with preparation of report will probably have to be done in the train. We should, therefore, be grateful if your Government could see its way to placing a special saloon with kitchen, on payment if desired, at their disposal. This arrangement may be useful if difficulties arise up-country about accommodation in hotels. Where the deputation has to stop at any place for a number of days and cannot live in the train, we should appreciate any assistance that can be given them in securing suitable accommodation. Paddison is accompanied by his wife.

### XIII.

**Telegram to the Governor-General, South Africa, Pretoria,  
 No. 713, dated the 1st December, 1925.**

My telegram No. 705, dated 28th November. Third Member of Indian deputation to South Africa is Sir Deva Prasad Sarvadhikary, Kt., C.I.E., Member of the Council of State, recently dissolved. He will sail for South Africa from Bombay per S.S. "Karapara" on 9th December arriving at Durban, about the 30th December and is accompanied by his son.



## XIV.

**Telegram from the Governor-General, South Africa, Pretoria,  
dated the 9th December, 1925.**

Your telegram 18th November, 667-Os., and 28th November, 705. My Ministers have noted that the Government of India is sending a deputation to South Africa to enquire into and report upon (the) Economic position and general condition of the Indians in South Africa and they appreciate the undertaking to select representatives who will exercise due discretion in the conduct (of) such an enquiry.

2. Union Government will grant without payment facilities for deputation in regard to its travelling in South Africa and will also render all possible assistance if difficulties arise in connection with accommodation in hotels. If suitable accommodation cannot be secured arrangement will be made for saloon to be available for this purpose.

3. Ministers add that Areas Reservation and Registration and Immigration (Further Provision) Bill will be introduced early in forthcoming session which will begin on 22nd January next but that in ordinary course of Parliamentary procedure some time will necessarily elapse before second reading stage will be reached. This will probably give deputation as much time as they will require for their investigation. Government intend to move that after second reading Bill shall be referred to a select committee and will favour fullest opportunity being given to deputation laying case of Indians before that committee if it desires to do so.

## XV.

**Telegram to the Governor-General of South Africa, Pretoria,  
No. 745-Os., dated the 15th December, 1925.**

Your telegram dated 9th December. We are most grateful for courtesy of Your Excellency's Government in undertaking to grant without payment travelling facilities for our deputation and promising to render all possible assistance if difficulties arise in connection with accommodation in hotels.

2. We also desire to thank Your Excellency's Ministers for assurance that they will favour fullest opportunity being given to our

deputation of laying case of Indians if so desired before Select Committee on Areas Reservation and Immigration and Registration (Further Provision) Bill. We will address you further on this point as soon as we have received report from our deputation and have considered their conclusions and recommendations. In the meantime we would be glad to be informed as soon as Your Excellency's Government are in a position to do so, of date on which it is proposed to take second reading of Bill.

## XVI.

### **Telegram to the Governor-General of South Africa, dated the 10th January, 1926.**

*Clear the line.*—Our deputation after enquiry in Natal have telegraphed their interim and provisional conclusions and recommendations to us. Firstly, they have been unable to find any justification for the general opinion held by Europeans in Natal that Indian competition in trade is increasing and is closing fruitful avenues of employment to Europeans. Similarly, they are unable to obtain accurate or complete statistics to indicate how far, if at all, Indians have recently displaced Europeans in skilled or semi-skilled occupations. They suggest that a fresh survey of the situation, if one were undertaken, would probably prove fears to be unfounded so far at least as trade and commerce are concerned. Their investigations tend to show that during the last few years Indian penetration has increased only in certain trades, such as tailoring and furniture, especially in Durban area, while in the sphere of business proper the Indian has not improved his position since the report of the Asiatic Enquiry Commission. Further expansion of Indian trade is barred by action of Municipalities, who refuse issue of any new licenses to Indians, and frequently refuse transfer of old licenses to new premises even in close proximity to old ones. Same policy is being followed by Licensing Boards in rural areas. For these reasons, they suggest that, in order to verify the facts on which demand for Bill is based, a fresh enquiry is advisable.

2. Secondly, our deputation lay stress on the point that it is questionable whether the Bill will effect any mitigation in the economic competition between the two races, which European opinion is

Natal regards as crux of whole Asiatic problem. The positive remedies which Bill contemplated are—

- (1) commercial separation;
- (2) residential separation; and
- (3) restriction provided for in clause 10.

As regards (1), our deputation find that municipal administration of existing licensing laws has already resulted in Indian traders being concentrated in areas distinct from those occupied by Europeans, except in the case of certain old-established Indian firms which carry on business in European quarters. From European point of view, therefore, legislation now proposed appears unnecessary, while it will seriously aggravate position of Indian trading community. They assume that elimination of Indians from trade is not aimed at, as such a policy would not be in accordance with general standard of fairness, particularly since they report that aliens from Europe are monopolising new opportunities for trade. If object aimed at is mitigation of competition, other remedies seem more likely to be effective. Allegation of unfairness of Indian competition is said to be based on payment of lower wages to shop assistants and evasion of regulations governing terms of employment. They consider that means could be devised to prevent such evasion and are strongly of opinion that matter deserves investigation, especially as they have been told that if board and lodging and other amenities allowed free to Indian assistants are included, the total wages of the latter equal those paid for the same class of work by European employers.

3. With regard to (2) residential segregation, the enquiries of our deputation confirm the objections to this measure which we have consistently urged upon Your Excellency's Government. They report that condition of many localities occupied by Indians around South Africa causes Indian community to be full of apprehension that class area created for them will share similar fate. Any measure tending to depress the social and economic standards of Asiatics may be expected to intensify rather than to mitigate industrial and commercial competition between them and the white population,

4. Clause 10 of the Bill will, in the opinion of our deputation, have most serious consequences. They point out, firstly, that Indian market gardeners who tend to cluster in every township in Natal and

a large proportion of whom held land on monthly and yearly tenure from Europeans, will be driven into coast belt where no fresh land is available for them as area within that belt owned by Indians is small and almost entirely taken up. Secondly, Indian market gardeners, who are now tenants of Europeans, will be deprived of their means of livelihood. Thirdly, Indian traders outside belt, who now carry on business in premises leased from Europeans, will be driven into belt on expiration of their lease. This will not only impose great hardship on Indians but many Europeans will suffer as well. Asiatic congestion around Durban which is already great will be seriously intensified. Sanitary conditions of Asiatic suburbs of Durban which are already regarded as a menace will become a greater source of danger to public health. Indians shut off from land will turn for a living to more or less skilled trades in which position of European will be further threatened. It is stated by our deputation that Durban Corporation seems to be alive to sanitary danger of this provision of Bill and they add that Europeans with whom they have discussed the question have also begun to realise its probable effects.

5. These facts and considerations strengthen our conviction, which we have often pressed on Union Government, that a Round Table Conference would be most satisfactory method of dealing with the situation and we hope that, as result of discussion during the last few months and of wider appreciation of implication of Bill, there may have been some such modification in attitude of European public referred to in your telegram of September 24th as to justify your Government in reconsidering view they have taken of this proposal. We wish to make it clear that we are still willing and anxious to participate in a Round Table Conference in any place or manner which may seem to them most convenient.

6. If the Government of South Africa for any reason find themselves still unable to agree to a Round Table Conference, we hope that Union Government will agree that there is a *prima facie* case for some fresh enquiry before the proposed legislation is proceeded with. Apart from other consideration, the enquiry appears to be necessary firstly, because exact facts regarding extent of Indian competition in trade and industry do not seem to be fully known and secondly, because ultimate consequences of proposed legislation may

be reverse of those which are expected and desired. Our deputation will we understand reach Cape Town on January 10th and we should be gratified if a Minister of the Government would consent to receive them informally and give them an opportunity of explaining and illustrating more fully the arguments in favour of holding an enquiry which we have only been able to indicate in brief outline. We believe that there is a great deal to be said in favour of allowing representatives of Indian community in South Africa and our representatives to place their views before a Committee of Enquiry before the Bill is proceeded with any further. The moral effect of holding the enquiry would be great. It would convince Indian opinion that Union Government were not averse to hearing representations which can be urged against policy embodied in Bill and that Parliament will not allow Indian case to be prejudiced in consequence of their not being represented politically.

## XVII.

### **Telegram from the Governor-General of South Africa, dated the 5th (received 6th) February, 1926.**

Your telegram dated 10th January 8-Overseas. My Ministers desire me to thank Your Excellency very cordially for your courtesy communicating to them so fully and promptly the interim and provisional conclusions and recommendations of Deputation sent to South Africa to enquire into position of Indian population in Union.

2. With regard to Your Excellency's suggestion that it might still be possible for Union Government to agree to the holding of a Round Table Conference, my Ministers fully appreciate desire and motive of Government of India in pressing for this particular method of dealing with problem. They wish me to state, however, that they have repeatedly given their most earnest and anxious consideration to the proposal but that for reasons already stated and in spite of their desire to meet the wishes of Your Excellency's Government, if possible, they cannot see their way to alter decision to which they have previously come.

3. With regard to observation in deputation report on general situation in South Africa and more particularly on probable effect of

various (group omitted) on its proposed legislation my Ministers wish to point out that any conclusions to which deputation have come must necessarily and do admittedly rest on very fragmentary evidence gathered within a very limited period. They agree, therefore, in general conclusion this evidence must be supplemented before final and reasoned judgment shall be possible. They cannot, however, agree such further evidence must be collected by means of a fresh enquiry on the part of a commission appointed for purpose as this course seems to be unnecessary in view of similar and very exhaustive enquiry by Asiatic Enquiry Commission held only a few years ago of information which can be made available from official sources. Besides a fresh enquiry as suggested will of necessity further delay legislation which is urgent and is already long overdue while on the other hand the Parliamentary Select Committee to which it is proposed to refer Bill will provide most suitable means and opportunity to supplement, as far as such may be required, any evidence which is already in hand.

4. Whilst on one hand my Ministers must regret their inability to accede to request of Government of India for a Round Table Conference or a fresh enquiry, they on the other hand fully realize the anxiety of that Government to place as fully as possible the case of the Indian Community in South Africa before the Government of the Union. It is for this reason that they previously adumbrated the possibility of evidence before a Parliamentary Select Committee by the deputation from the Government of India now in the country after Bill shall have passed the second reading. Although reference to a Select Committee after second reading will imply maintenance of the general principle of Bill it will at the same time offer a very wide scope for evidence and will not even exclude evidence on such a fundamental question in which Government of India is primarily concerned as to whether proposed segregation shall be voluntary or compulsory. To this suggestion which they have offered, my Ministers have thus far received no reply and they are consequently in doubt as to the existence of any difficulty on the part of the Government of India in accepting the same. If such difficulty should, however, exist on the ground of too great a restriction of evidence which deputation might desire to bring forward my Ministers would agree to propose reference of Bill to a Select Committee before second reading

thus widening scope for evidence so as to include principle of Bill. They wish it, however, to be understood that such a proposal on their part will be subject to Government of India intimating their willingness to availing themselves of this opportunity specially offered to place evidence before Select Committee through their deputation now in South Africa and further that it will be subject to Select Committee being required to report to Parliament within such limited period as will enable Parliament to deal finally during the present session with legislation proposed.

5. My Ministers have gladly acceded to the request of Your Excellency's Government that deputation who are now in Cape Town shall be received by one of Members of the Union Government. Intimation to this effect was sent to head of deputation immediately after the receipt of Your Excellency's last communication and proposed interview has already taken place.

## XVIII

### **Telegram to the Governor-General of South Africa, Cape Town, No. 105-Os., dated - Delhi, the 9th February, 1926.**

*Priority.*—We are in receipt of Your Excellency's telegram dated the 5th February and would be grateful if you would be so good as to convey to Your Excellency's Ministers our warm appreciation of the courtesy and consideration they have extended to us and to our deputation.

2. While we cannot conceal from Your Excellency our deep disappointment that Your Excellency's Ministers have found it impossible to agree to either of the alternative methods put forward by us as best calculated to lead to a satisfactory solution of this problem we recognise that our proposals have been given the fullest and most anxious consideration. We further understand that the offer now made to us involves a departure from normal parliamentary practice and procedure, and we see in this another proof of the desire of Your Excellency's Ministers to find a solution of this difficult question. My Government are in the circumstances prepared to accept, subject to

the conditions stipulated in Your Excellency's telegram and to our observation in the succeeding paragraph, the offer made by Your Excellency's Ministers of an enquiry by a Parliamentary Select Committee before the second reading of the Bill. We note with satisfaction that terms of reference to the Committee will be sufficiently wide to include consideration of the principles of the Bill and we assume it is intention of Your Excellency's Ministers also to allow representative of Indian opinion in South Africa an opportunity of presenting their case to the Committee which we feel sure Your Excellency's Ministers will agree could not fail materially to assist the Committee in its task.

3. As Union Government are aware our objection to the Bill are fundamental and are against the principles on which the Bill is based. We propose, therefore, to instruct our Deputation to present the case before the Select Committee in respect of the general principles, although it necessarily follows from our arguments that we object also to the details of the Bill. We realise that Your Excellency's Ministers are anxious to avoid unnecessary delay but we trust in view of the very grave consequences for Indians which the proposed legislation must involve, fullest possible opportunity compatible with the limitation laid down in Your Excellency's telegram will be afforded for presentment of Indian case.

4. We are anxious that the offer made by Your Excellency's Ministers and our reply thereto should be published here with least possible delay and should be glad to know urgently by telegram when it is proposed to make these public in South Africa to enable us to arrange for publication here.

## XIX.

### **Telegram from the Governor-General of South Africa, Cape Town, dated the 12th February, 1926.**

Your telegram dated 9th February, 1926. My Ministers note with great pleasure and appreciation the readiness of Government of India to avail themselves of opportunity specially offered to them for presentment of Indian case through their deputation now in South Africa in accordance with the contents of my telegram dated the 5th



February. With reference to observations in paragraphs 2 and 3 of Your Excellency's telegram and for further information of Government of India they desire to state that ample time will be given to proposed Select Committee to hear and consider evidence and that reference of Bill to a Select Committee before second reading implies that Indian community in South Africa will, through their representatives, have same opportunity and scope for presenting their case as will be accorded to deputation from India. With reference to last paragraph of your telegram I am informed by my Ministers that they propose to lay on the table of House a copy of correspondence between the Government of India and Government of the Union with regard to the position of Indians in South Africa on Wednesday afternoon the seventeenth instant. The Honourable the Minister of the Interior will then make a statement in the House and give notice that he will move reference of Bill to a Select Committee before second reading. My Ministers submit that it will be suitable if publication referred to in your telegram could take place in India at the same time.

## **The Paddison Deputation's Evidence Before Select Committee.**

### **FIGHT AGAINST PREJUDICE.**

The memorandum submitted to the Select Committee by the Paddison Deputation and the oral evidence subsequently tendered by them occupy 140 pages of the report. It is clear even after a cursory perusal of the report that Mr. Paddison and his colleagues had to fight against deep-rooted prejudice and absolute ignorance of Indian civilisation on the part of some members of the Committee. Every conceivable argument likely to floor the deputation was trotted out in the committee. Certain members sought to show that Europeans in India were not behind the movement to secure redress of Indian grievances. Others suggested that the caste tyranny in India was infinitely worse than segregation of Asiatics in South Africa. Was not Mr. Gandhi threatened with ex-communication by the orthodox section of the Hindus in India? It was suggested that Europeans in this country objected to live with Indians as next door neighbours. The writings of Sir Valentine Chirol and other "experts" on India were freely impressed into service to show that the Indian case was very weak. Mr. Paddison and his colleagues stood their ground very well. They were examined jointly so that whenever one member of the deputation got into deep waters in the course of the searching cross-examination by the Committee, or did not sufficiently stress a point, another member rushed to the rescue.

### **EUROPEAN FEELING IN INDIA.**

How do the small minority of 170,000 Europeans in India feel about the Bill? This was a question propounded by Sir Ernest Oppenheimer. Here is Mr. Paddison's answer to the question:

"I think that is rather important, looking at this problem. There are all sorts and conditions of parties in India as there are here and there are many points in which we—the small minority of Europeans—might differ from the Indians. There are occasions we may differ—between different parties and other parties,

but on this point in regard to the treatment of Indians, India is unanimous, including the European population. We have our special newspapers in nearly every province which cater largely for European readers. We have *The Times of India*, *The Statesman*, *Calcutta*, and *The Madras Mail*. Then you have your extremist papers at the other end which represent the agitators and all sorts of different other parties in between. On this point in regard to the treatment of Indians in South Africa *The Pioneer* and the other newspapers absolutely agree.

### NOT GETTING SQUARE DEAL.

“We Europeans—I speak now, not as a Government servant, but as expressing the opinion of the average European in India—we think that the Indians in South Africa are not getting a square deal. I am sorry to have to say this, but it is our opinion and we stand by that opinion in India. You are dealing with an alien population. Wherever you have different sections of the population we feel terribly about the Indian section of that population being treated unfairly. With us it is a matter of fair treatment. Whatever people may say about the various agreements settled by the Government it has been said many many times that if we send no more Indians to South Africa those you have here now would be treated well. That was the promise given to us. If this Bill goes through we cannot regard that this is fair, reasonable treatment. These people belong to the British Empire and have come over here under certain conditions and you felt that there were too many and you agreed in South Africa that if we sent no more you would treat those here decently, that is to say, treat them fairly. On visiting the various parts of South Africa we find that South Africa generally does not appreciate the position of the Indian in this matter, by which I mean the position of the Indian gentlemen.

“I have very many friends among Indian gentlemen and they feel this appallingly, that they should be treated as though they are lower than the races here known as the Cape Malaya or Mauritius Creole. My chief, at present in India, to whom I have to report, is a Madras man—Sir Mahomed Habibullah—and an old friend of mine; when I write to him and get orders you can imagine how a gentleman of that sort feels when he hears how his own people are regarded as

outcastes. The Europeans sympathizes with that feeling because of his Indian friends and it is that it is unfair that the promise that they should get a fair deal if no more Indians were sent over is being broken."

#### NO DICTATION.

In reply to Sir Ernest Oppenheimer's invitation to put forward an alternative suggestion Mr. Paddison said: What I feel about this and what the Government of India feel is that we rather differ as to what the Indian problem in South Africa actually is. You have to get down to bedrock as to what is the Indian problem in South Africa. We are rather afraid of seeming to dictate a solution. If the problem is an economic one, we are willing to discuss the matter but if the problem is how to get the Indians out of South Africa then it is another thing altogether. What is the problem that wants solution? I think I am right in saying whatever may happen as matters stand at the present, the Indians here are parts of your population and you have agreed that if we send no more you will look after them, and if you now want to get them out of the country, if that is your object, the policy contained in this Bill will prevent that very solution more than anything else you could find. The Indian in South Africa is at present going back to India in certain numbers but if this Bill becomes law they will dig themselves in here and this will actually prevent people returning to India.

Mr. Rajpai: If this Bill becomes law I would not be surprised if the Indian legislature passed a law to the effect that no Indian domiciled in South Africa would be allowed to enter India.

Mr. Paddison: If you want to get these Indians out, I say it would be very much better to do nothing than pass a Bill like this because this Bill will make them remain here.

#### BILL UNACCEPTABLE.

Mr. Raza Ali: I agree with what has been said as far as practical suggestions are concerned. I think that if the Government of India were asked to consider the question as a whole they would be prepared to do so. If you want us to say which parts of the Bill are acceptable and which parts are not acceptable to us, we say that

no portion of the Bill could possibly be acceptable, but if you are prepared to discuss the problem as a whole with the Government of India I am sure that they will be willing to do so.

Mr. Paddison: If your object is to squeeze the Indian out of South Africa, not by force, but by indirect pressure, it is very difficult for the people in India and Indian opinion would be so strong that at present we cannot do anything. I am only saying that this Bill will do harm.

Sir Devaprasad Sarvadhikari: We have come across numerous white people who have no objection to the Indian.....Unless you legislate that no Indian shall do business with a European and that no European shall do business with an Indian you cannot stop business, but can handicap it: you cannot get away from that fact when you are considering what are questions of principles of the Bill, so far as one can gather them. I shall not be drawn into a discussion of the details of the Bill or as to what shall be done to provide for the prejudices of the people—prejudices about which the evidence is not clear. Boycotting the Indian in business had been attempted, but failed—Europeans and other people refusing to do business with him would, in half an hour any afternoon, finish all Indian trade, if there was real and widespread European objection to the Indian.

### INSULT AND HUMILIATION.

The consideration which you cannot get away from is that if you segregate him the deep sense of insult, humiliation and degradation which will accompany it will never be got over. That will be a big mistake. The better class of Indians will be sent to the location as they would not avail themselves of the exemption that can be granted and, if they did, our Indian people would be drifting further and further away from what they are to-day, which would be far worse. The points against this segregation are, the insult cast on the whole nation and a sense of resentment all round, and the impossibility which would starve them of doing business. Pariahs thus to be created in South Africa may under the exemption be allowed to come into the towns and do hawking and other business and assist the white people in that way if they availed themselves of the exemption, but further than that they cannot do and general degradation is bound to follow.

Sir Ernest Oppenheimer: I am not suggesting this as a solution. I wanted to know why, assuming the place set apart will be a place in which anybody who wants to live according to his own taste will be able to do so, and it will be a place that does not make business impossible, there should be this deep sense of insult?

Mr. Bajpai: May I retort with a question? Why should an Englishman, or, rather, a European, feel a grievance at having to live alongside an Indian?

Sir Ernest Oppenheimer: That is not based on a reason?

Mr. Bajpai: Exactly. We have tried to explain that we regard this as an insult. Evidently our explanation is not satisfactory. We should say that the reason for our feeling this insult is something deep and inherent like the Europeans' prejudice. I think there is deep sentiment behind it. We have experience which is sufficient to warrant all the horror we can possibly entertain towards segregation. We have a pride of race just the same as you have, and we feel that in India and elsewhere—provided our standard of civilization qualifies us we can go about holding our heads high, wherever we like. Why should we, on the soil of South Africa—a dominion of the British Empire—be made to assume that we are fit to live only away from the European, and that we would be allowed to go out of these proposed "paradises" only if the law allows us to, and that by way of exception. It is an insult to our national and racial pride. We think, rightly or wrongly, that we should be allowed to live alongside of Europeans if we choose to.

Mr. Raza Ali: I would like to say one word on the question of segregation. If the Indian and European had equal rights in South Africa, if Indians could be returned to the House of Assembly and to the Senate, or even had the right to elect members, and for some reasons there arose a dispute, and for that reason it was thought to be advisable to put Europeans and Indians in separate quarters the State could say: "You are both the same in the eye of the law; you have the same rights as regards trade and other things; but in the interest of peace you should live in separate quarters." But the Indians have been denied most of these rights, which shows that the

European population looks upon them as inferior. When you bring this to a head and place the Indians in a position which will be intolerable, I hope you will agree with me, you cannot expect us to feel otherwise than we do.

### PANIC IN SOUTH AFRICA.

Mr. Lennox: You admit that the problem is acute in South Africa?

Mr. Paddison: I realise the prejudice that exists, and I would go further, I think there is very great alarm—almost panic—in the matter. It does seem that there is very great excitement about this, but whether it is based upon a feeling that the Asiatic is a menace or whether that feeling is based on real facts, is a point I am not at all sure of.

Replying to further question by Mr. Lennox, Mr. Paddison denied that there was any differentiation in respect of residential conditions in India. Mr. Raza Ali said that at Allahabad he had three Europeans as neighbours, one of them Sir Charles Alston.

Mr. Marwick: I take it you will be in agreement with Sir Valentine Chirol who took General Smuts to task for being unable to assent to a document of equality outlined in the Imperial Conference Resolution in 1921?

Mr. Bajpai: I had something to say with that resolution.

Mr. Marwick: You remember Sir Valentine Chirol took General Smuts to task over it?

Mr. Bajpai: I think the Government of India have made it clear in their correspondence with the Government of the Union that at this stage we are not considering political equality at all. We are considering the situation created by the Bill.

### NOT AN AUTHORITY ON INDIA.

Mr. Marwick: Would you agree that Sir Valentine Chirol *may* be accepted as a good authority on India?

Sir D. Sarvadhikari: No, distinctly not.

Mr. Bajpai: Seeing that a visit of six weeks to India is deemed sufficient to give a solid foundation and make one an authority on

India I suppose you may describe him as an authority. I know him personally and the measure of his acquaintance with India is two visits, one of six months, and one of three months.

Mr. Raza Ali: I had a talk with him about three years ago and he told me that one was never too old to learn. He said "I am not making a confession, but I am not ashamed of saying that I have changed my views about India." That was in 1922, I believe.

Mr. Marwick: In regard to the caste system in India would it not be correct to say that the untouchables live under a system of social ostracism and social segregation which is absolutely cruel?

Mr. Paddison: There has been a very great improvement in the last 10 years. No doubt he has had a bad time, and as we tried to explain yesterday he has come on tremendously now. For instance first of all there is no legislation or restriction of any sort, it is a question of ordinary ostracism which is breaking down gradually.

#### MR. GANDHI OUTCASTED?

Mr. Marwick: In regard to the suggestion that the caste system is breaking up, is it not correct to say that Mr. Gandhi himself was threatened with excommunication for his love for the untouchables. In a speech he made before the Indian National Congress?

Mr. Raza Ali: He has not been excommunicated. There is a certain element among the orthodox Brahmins who view all progress as anathema and hurl the bolts of excommunication at the heads of people of more modern ways. I had them hurled at my head because I went to study at Oxford.

Mr. Marwick: Was not Mr. Gandhi threatened with excommunication?

Mr. Raza Ali: There are two orthodox bodies in India. I was present at the National Congress when Mr. Gandhi's speech was made. There was considerable flutter in the circles, and the question was not whether he should be excommunicated but the question was whether the orthodox bodies of Hindu should aim at breaking up the caste system. He carried one section of orthodox Hindus with him, and the high caste Brahmins belonging to that section are now openly preaching against the caste system. So far from excommunicating him



they invited him to deliver a lecture. He has not been able to carry with him the other section which is led by the Maharaja of Darbhanga.

Mr. Marwick: There is an essential difference between the view of the Islamic faith and the Brahmin?

Sir D. Sarvadhikari: I claim descent from one of the warrior caste. Mahatma Gandhi is a man who is almost deified now by certain sections in India and naturally when a man rises to that position he makes enemies chiefly for his political creed. The points of view he puts forward may not be in consonance with certain sections of society for political or religious reasons. There is a general movement for doing away with abuses; they have certainly been a matter of complaint for a considerable time. I do not know whether you are at this stage basing justification of your action on the old question of the ancient caste system and the abuses thereof. If you are doing so I would like to remind you that the system was far stronger 65 years ago when these men came from India to South Africa and has no application or relevancy to-day. Moreover it is absolutely impossible that class of untouchables you refer to could have come over with the others, who are called the lower class. The class system in general is different now from what it was 65 years ago; there is coming about an adjustment in the conditions of life suited to modern requirements. People go to India and publish books on the basis of their short and strange experiences and give absolutely wrong ideas. The class of people who are dealing with here have nothing to do with the untouchables to whom you refer.

#### A DEALER IN SPICES.

Mr. Marwick: Was there any suggestion that Mr. Gandhi should be ex-communicated?

Sir D. Sarvadhikari: I am not aware of it. Moreover he is so low down in the social scale himself that to ex-communicate him would be nothing to him. He is a dealer in scents and spices, which is fairly low down in the scale and yet the tremendous hold he has established on Hindu and Islamic India is phenomenal.

Mr. Marwick: On the question of equality do you disagree with the opinion of Mr. Sastri that where the Indian population exceeded the white population equality could not be guaranteed?

Sir D. Sarvadhikari: He was speaking about political equality. We are not asking for that.

Mr. Paddison: All we say is you have political power, use it with justice and fairness.

Mr. Marwick: Is not the logical conclusion of your statement political equality?

Mr. Bajpai: We made it perfectly clear that we are concerned merely with the principle of the Bill. Our case was not stated for eternity; it is for the present movement.

Sir D. Sarvadhikari: We have scrupulously avoided that question and it is on that basis that we present this case on behalf of Indians. It is on the question of segregation that we have grave objection.

Mr. Marwick: Would you agree with the opinion of the Aga Khan?

Mr. Bajpai: We are not concerned with the dreams of H. H. the Aga Khan. We are concerned about safeguarding such rights as the Indian in South Africa enjoys to-day.

Mr. Coulter: Do I understand from your statement that you propose complete rejection of the Bill without modification?

Sir D. Sarvadhikari: Yes.

Mr. Coulter: Are you prepared to discuss modifications?

Sir D. Sarvadhikari: No, we have no instructions.

Mr. Paddison: We have discussed this matter among ourselves and we realize from what the gentlemen here have said that there is a feeling of alarm about this, specially in Natal, and I hope that we have made you realize that there is a tremendous feeling in India on this question which is absolutely impossible to exaggerate here. The two nations live close together and India would be a natural market for South Africa, and it looks as if these countries are now going to be torn apart. If we got a round table conference there is no reason why we should not arrive at a friendly, amicable solution. We want to get this feeling allayed for the moment.

## INDEPENDENT INQUIRY WANTED

Sir D. Sarvadhikari: We have notice of the existence of alarm but have been furnished with no reason or evidence for the alarm being well founded and widespread. That is why we asked for appointment of an independent commission of enquiry which would go into the facts and conclusions we have been able to arrive at. We have gathered that it is not well founded and is best proved by the fact that the people who are objected to are best patronized by the European, both British and Dutch.

Mr. Van Hees: The attitude we adopt on the question which you call an insult to India is one of self preservation. It is a compliment to the Indian as a trader, just as we pay a compliment to the native that we cannot compete with him in labour?

Mr. Bajpai: That is a form of compliment that we do not appreciate. But the question of compliments apart, the fact is that the Indian is no longer making headway, and that you have legislation existing now in Natal and elsewhere which enables you to put a brake upon the advance of the Indians.

Mr. Raza Ali: More than a brake in fact.

Mr. Duncan: Are there any products of this country that can be taken by India?

Mr. Bajpai: Take shipments of coal; you will find that nearly one million tons of coal go from South Africa to India every year. I might mention just one commodity this country gets from India, and that is gunny bags which you require for packing your agricultural produce. These come mainly from India. There is an exchange of commodities going on already.

## SOUTH AFRICAN FRUIT

Mr. Duncan: What are the possibilities of fruit from South Africa?

Mr. Bajpai: I should say enormous. Six years ago we had hardly any fruit at all coming from outside.

Mr. Duncan: Do you grow fruit?

Mr. Bajpai: Yes, but at a time of the year which corresponds to our winter. Your peaches, pears and apples are in season at a time when our markets are absolutely denuded of these particular varieties of fruit.

Sir D. Sarvadhikari: Our fruit growing is confined to the mountain regions and it is difficult to send it down to the plain. Bengal and other places do not get much of that fruit owing to their distant position.

Mr. Bajpai: Six years ago we hardly imported any fruit at all because of lack of facilities. The last year or two we have had shipments of apples from Western Australia, and these have sold very well in Bombay. There is a great demand for fruit, and it is only a question of accelerating the service between India and South Africa and providing cold-storage facilities.

Mr. Duncan: At the ensuing Imperial Conference, India will have its delegates?

Mr. Bajpai: Undoubtedly.

Mr. Duncan: Is there any objection to the delegates from this country meeting your delegates and discussing this matter?

Mr. Bajpai: So far as we are concerned I should say none.

#### DEPUTATION TO INDIA

Mr. Duncan: Would there be any advantage in the Union Government sending a deputation to India such as this deputation the Indian Government has sent over here?

Mr. Bajpai: I think it will be a tremendous advantage.

Mr. Duncan: Of what advantage?

Mr. Bajpai: Leaders in India would be able to appraise the strength of South African opinion in this matter. By visiting our country European representatives will be able to ascertain for themselves the strides India has made and the possibilities of the markets which she offers for South African products. In other words there will be a better understanding.

Mr. Hattingh: Could you give us an idea of what you consider the Indian in South Africa? The immigrant from India I take it,

you consider as an Indian citizen. What is the view of the Indian people in regard to the Indian born here?

Mr. Bajpai: Both the Government of India and the people of India think that this country has a moral obligation to look after Indian national in this country whether born here or not; especially because they are not in a position to protect themselves.

Mr. Pearce: It is quite obvious from the answers you have given that you object to Indians being segregated. Would you like them to live on the same standard as Europeans?

Mr. Paddison: As they are going on their standard will improve.

Mr. Pearce: You would like them to live on the same standard as Europeans?

Mr. Paddison: So would you. I would like them to in the course of time. Raise him up and bring him to the European standard of living provided the man with whom you have to deal has got the means.

#### MENACE TO EUROPEANS.

Mr. Pearce: You realise that if he is allowed to live on our standard that he becomes a menace to the European standard?

Mr. Raza Ali: I do not exactly see how he becomes a menace. If he is given the same facilities as the European I should certainly like him to be paid at the same rate as the European is paid.

Mr. Pearce: Therefore you would not object to the Indians coming under the same Wage Board as the European workmen?

Mr. Raza Ali: Provided both have the same facilities and that the European has no more facilities than the Indian has. Give the Indian the same opportunity and let them both be paid at the same rate.

Mr. Pearce: Have you any fear that if the Indians were treated on the same basis as Europeans and had to conform to the same life that the Indians would not be employed?

Mr. Raza Ali: Looking to the strength of racial feeling here, I have considerable doubt whether this country will be prepared to extend white labourers. If you can overcome that, I personally have no objection to the Indian coming in under the same board.

Mr. Pearce: Do you think the Indian Government would agree to legislation being enforced through the Wage Boards whereby the Indian was prohibited to do work at less pay than the European?

Mr. Raza Ali: This is a question on which the Government of India will be in a position to express an opinion. That could be carefully considered.

Mr. Pearce: You object to the principle of segregation for Indians. You do not want any difference made between the legislation affecting Indians and that affecting Europeans?

Mr. Raza Ali: Provided they have the same facilities.

## MEMORANDUM.

Submitted by Mr. C. F. Andrews to Select Committee.

1. My fundamental objection to the present Bill, which I should try to explain in my evidence, is that to all thinking Indians, it implies a settlement by force instead of by mutual good-will. Owing to its principle of compulsion and its forfeiture of long established Indian rights, it is regarded as insulting. It is called in the Indian Vernaculars a Black Bill. The Union Government, however unconsciously, has insulted a friendly nation by bringing it in; and the only way to remove that insult is to withdraw the Bill. As an outward expression of their feelings, the Indians, who are a deeply religious people, have observed, both in India and South Africa, days of prayer and humiliation with a solemnity befitting a great nation in its hour of danger when faced with a national disaster. The Metropolitan of India, Bishop Westcott, led these solemn celebrations in India and wished to come over to South Africa in order to tell his own fellow-countrymen about them.

2. I shall try to make plain in my evidence to the Committee, that the very objects aimed at in this Bill are likely to be frustrated owing to an entirely false reading of Indian character. The passage quoted in the Lange Commission, paragraph 127, would be referred to, which says,—“There is no man more easily influenced than the average Indian, if fairly treated, he is easily led; but he will submit to anything rather than force; he does not like to be driven, and any sort of compulsion makes him a martyr; he is not strong physically, but morally he is strong.” Evidence would be offered explaining the certainty of a long and embittered passive resistance struggle in which the sympathy of the world is not with South Africa. It would be suggested that the argument, “we must get rid of the Indian trouble, before we take up the native problem,” is likely to be reversed, but to provoke a long passive resistance struggle within the borders of South Africa at the present critical moment is likely to complicate issues.

3. I should try to explain, with first-hand evidence gathered during my previous visits to this country, that the history of the Indian question in South Africa teaches the plain lesson of the inexpediency of provoking Indian passive resistance. I would refer, from my own personal experience, to the eight miserable years of the last passive resistance struggle. On the other hand, I would illustrate from my own personal experience, also, how a settlement by mutual good-will has actually obtained for South Africa, in the past, important advantages with regard to immigration restriction, which came so near at one time to solving the Indian question, that General Smuts, speaking on behalf of South Africa in 1917, said that he, for one, did not consider that the question of India would trouble South Africa much in the future. He also stated that if any question proved difficult of treatment in the future, it might be discussed in a friendly way, and a solution might be found through consultation. I would try to show that the pathway of consultation is still open and should not be lightly rejected.

4. I should then come on to my main evidence, which would aim at outlining, from an independent standpoint, as a humanitarian and not as a politician, an alternative which would appear to me likely to meet the true psychology of India and lead to very important and advantageous results. Before doing so, I would emphasise the fact, that I have consulted no one in India about the suggestions I am now making. I am putting them forward for consideration entirely on their own merit and not as committing anyone to them. At the same time, it is right to point out that India herself is still offering a conference. That offer has never been withdrawn.

(a) The present Committee, if it was convinced by the logic of the situation, might report to the Union Government that it regarded it advisable to hold over the Areas Reservation Bill pending further consultation with India, pointing out that the cabled correspondence was not entirely conclusive. Such postponement of the Bill would undoubtedly be taken both as a friendly gesture and also a sincere offer on the part of South Africa to appeal to reason rather than force.

(b) When the atmosphere in India had become calmer, after due careful consideration and with good will on both



sides, a deputation might go from South Africa to India in the coming cold weather (which begins towards the end of October) in order to discuss frankly and freely with the Indian Government and the leaders of the Indian people the whole Indian situation in South Africa explaining clearly for the first time in India, at first hand, what difficulties confront South African statesmen at the present critical juncture.

- (c) If, by this inter-change of visits, a more favourable atmosphere of friendly understanding had been created, then a conference might be held at which all the mutual relations between the two countries would be discussed in a big and statesmanlike manner,—an endeavour being made to find out how far the difficulties on either side might be removed and permanent friendly relations established. Some of the larger questions—which might be discussed at such a conference are outlined below:—
- (i) The great mutual advantage of trade relations being fostered between South Africa and India. India is so close to South Africa that it might almost be as valuable in the future for the growing fruit trade and other commercial enterprises as a home market.
- (ii) The exploring of possibilities, under the Reciprocity Agreement of 1918, of encouraging mutual 'visits for the purpose of pleasure or commerce.' Such visits from leading citizens, leaving the prohibition of immigration for residence in tact,—might do much to make the two neighbouring countries better acquainted with each other and open the way to advantageous commercial relations.
- (iii) The fostering of direct international relations between the two countries, thus implementing the point already gained of direct correspondence.
- (iv) The full encouragement of educational facilities for all Indians domiciled in South Africa—who are likely to be entirely South African born in the future.

- (v) The consideration of all those matters which might lead to an *entente cordiale* between the two countries instead of the present friction.

I should point out, in conclusion, that the friction between Australia and India has been remarkably diminished in the past few years and should try to show in my evidence that in spite of present difficulties such a result might also be obtained by mutual patience and forbearance between India and South Africa.

## CHAPTER III.

### THE IMPERIAL CONFERENCE, 1923.

#### VISCOUNT PEEL.

Lord Peel introducing the subject of the status of Indians in the Empire said:—When I speak of Indian opinion I am not referring as often suggested to what is described as the opinion of the intelligentsia only of a definite intellectual class, but I am also stating the views of a great many who are not really necessarily concerned with politics at all. Let me pass from them for a moment. You have the opinions, we will say of the Indian Princes, whose views will be given expression to-day by His Highness the Maharaja of Alwar. You have other men like my other colleague Sir Tej Bahadur Sapru, who as we all know is a member of the Viceroy's Executive Council and who holds a very high place in Indian public affairs. Therefore, you have this singular fact that politicians differing widely on all other subjects and men of differing shades of thought are generally united on this particular subject. You have staunch supporters of our rule in India combining on this subject with the extreme types of politicians. You have business men and landowners combining with men of a very different class and point of view. I certainly do not exaggerate when I say that this subject more than any other, I think, is constantly impressed upon me both officially and personally by the Government of India and by Lord Reading. The Viceroy in his private letters is constantly explaining and impressing upon me how strongly the feeling of soreness and bitterness is growing on this subject and how in many ways the task of wisely governing India is made more difficult by this divergence of feeling. Therefore I want to place this first point before the Conference the remarkable unanimity of feeling on the position of Indians in the Dominions. But I do not think when you come to ask the cause, it will be very far to see. The reason why there is such an unanimity among our fellow-subjects in India is that they regard the disability under which their countrymen labour in other parts of the world as a brand of social inferiority. That is what cuts so deep into the consciousness of the Indian.

#### CAUSES OF SORENESS.

I am not, necessarily of course, associating myself entirely with that view, because I know quite well that there are other causes contributing; they are the question of economic difficulty and political questions with which this question must necessarily be linked. But I have no doubt whatever, that in what I am saying now, I do voice the general opinion of Indians on this question that social status is a contributory cause. In history many social and political movements have been disguised under more resounding names. Well let me say a word about this great country feeling so strongly and so unitedly on the subject. First of all, look at its contribution to the Great War. No less than 1,400,000 from India took their part

in the service in the Great War. Their contribution in money was well over 200 millions sterling. We all remember the general enthusiasm from all parts of India and how the Princes and others less distinguished too took their part in the struggle of the Great War. And here, if I may say so, there are installed at this very table representatives of the Indian delegation showing that India is sitting here on equal terms with the other Dominions in the great council chamber of the Empire. And again at the League of Nations, the representatives of India take their place with other States and are able to contribute their voice and influence just as much as other deliberations of that Assembly. Moreover, I do not think this is always recognised. India though it has been for centuries, for thousands of years a great agricultural country is now ambitious to become an industrial state. It has gone far along that road because it has been accepted by the League of Nations as one of the eight greatest industrial States of the world. Now India as the Conference knows recently received new political constitution and that constitution, while giving the Indians far more power than they had before in the administration of India, has also given them a great outlet for the utterance of their national sentiments.

#### . POSITION IN INDIA.

Now what is the position in India itself? There is a policy of co-operation between Britons and Indians. Britons and Indians co-operate together in the Government of India and Britons and Indians sit together on juries. They meet together in business and they are fellow directors of great companies. They serve together on the Viceroy's Council. Many of them, of course, are Ministers in the great provinces and those Ministers command the assistance of the members of the all-India services whether British or Indian. Now what must be the contrast in the minds of these men when they look abroad and see what their standard or status is in the States of the Empire. The members of this Conference, with their great experience of cumulative effect of these institutions and position which India now occupies here and in the League of Nations, will realise how much all these changes have contributed towards the growing self-consciousness and the sense of dignity of India. Now I want to say this and in the plainest way I can. If I thought and if my colleagues thought that this desire for equality of treatment was inspired in any sense by a desire not to be a part of or take part in this great Empire, neither I nor my colleagues would be pleading the cause at this table. It is indeed the desire and ambition of the Indians (I will exclude the negligible class of extremists who can be found, I suppose, in any country) to share in the splendours, glories and traditions of the British Empire. They believe, moreover, that they can bring their own contribution of thought, culture and loyalty, to this great combine. There are those who suggest that these disabilities under which Indians labour in some parts of the Empire are of little importance.

That they do not interfere with their liberty and that the denial of the vote does not very much matter one way or the other. Now these views are, as one knows, the common form of objections put forward either here or in

any other country to franchise extensions and franchise grants. But though the question has an importance from the purely material point of view I should be very ill-discharging my duty in this Conference, if I were to represent this matter as one to be regarded merely from a practical point of view. It is very largely with the Indians, a matter of national sentiment and feeling and it is with this feeling that we have to reckon. Now in all the situations of Imperial activity, in matters of Imperial defence, in matters of Imperial trade, in matters of Imperial communications or development of Imperial resources—in all these India plays a prominent part and as we have granted a large measure of representative institutions, it is quite clear that in dealing with these matters we cannot disregard the opinions of the representative bodies which we set up. And supposing they could be disregarded how, after all, are you going to expect India to co-operate whole-heartedly in the great work of consolidating the Empire and how without this co-operation can the Empire attain its full measure of strength? We know too that the economic policy is very often influenced by political considerations and I feel that both on the political and economic side the task of governing India may be greatly increased and there will be, unless we settle this question, no real unity of the Empire not merely on the material side, on which I am not laying so much stress to-day but on what is so vastly more important, the moral side.

Moreover the scope of this problem as regards many Dominions is not very great. For a moment I am excluding from that general proposition South Africa where I know there are great many currents and cross-currents to complicate the issue. But as regards Australia and New Zealand where so much has been done and as regards Canada, the numbers are very small. There are about 2,000 in Australia in all that vast country, about 6,000 in New Zealand and about 1,200 in Canada of which rather more than 1,100 are in the province of British Columbia. I want to reaffirm what was stated at the Conference of 1921 as regards complete acceptance by the Government of India and Indian opinions of the right of the great Dominions to determine the composition of their own community.

#### TEXT OF 1921 RESOLUTION

May I read the words of that resolution. They are:—"The Conference, while reaffirming the resolution of the Imperial War Conference of 1918 that each community of the British Commonwealth should enjoy complete control of composition of its own population by means of restriction of immigration from any other communities, recognises there is incongruity between the position of India as a member of the British Empire and of the existence of disabilities upon the British Indians lawfully domiciled in some other parts of the Empire." Therefore, that principle is laid down quite clearly and consequently there need be no anxiety on the part of the Dominions that there is any desire on the part of Indian feeling to go back on that decision. Thus impressing this matter upon the generous consideration of the Dominions, I feel that, vast as are the implications of the problems, the solution of a practical question is perhaps not so difficult as it appears.

Well, justice and expediency are often divided. Sometimes they approach one another and when as I think in this case they combine and are merged with one another the appeal is surely irresistible and I am going to ask this Conference, if the time has not come, when these disabilities should not specifically be removed, I want to add this point about interest. Possibly some may think it an unnecessary interest which the Government and Indian people take in the position of Indians in the great Dominions.

#### FOREIGN BODY.

Now so long, as to any great extent, the Indians in the Dominions may be regarded as a foreign body in the great body politic of those Dominions, so long is the Government of India bound to take interest in their fate and assure themselves as regards the manner in which they are treated. But once they are absorbed they cease to be a foreign body, once they are absorbed into the great corporation, as it were, of the Dominions then the interest of the Indian Government, of course, will cease and there is nothing that the Indian Government, that is nothing that anybody connected, with it, there is nothing the Secretary of State disliked more than interfering or appearing to interfere with the domestic affairs of the great Dominions.

#### DIFFICULTIES IN THE WAY.

Now I am not insensible, of course, to the grave difficulties which stand in the way. I know how very difficult it is to bring home always to local opinion that local views and opinions are not necessarily coincident with the wider interest of the Empire, and I know quite well that those who are listening to me as representatives of the Dominions whatever they may or may not have done, desire that a solution of this question should be found. And I most earnestly plead that when later in this conference they take into consideration the practical measures which they may adopt for solution of this question they will bear in mind the intense feeling that has been aroused on this subject in India, and will bring home to their own people that in the highest interest of the Empire the aspirations of India should be respected. I know there are great difficulties. The Prime Minister in his opening address spoke of the contacts of civilisations. There are contacts, of course, here of more than one civilisation, and you have peoples differing in tradition and social habits, fashioned in the course of centuries, thousand of years I may say, fashioned by differences of national surroundings and by differences of secular and religious thought.

#### INDIA'S ANCIENT RACES.

We have to deal—and we should never forget when dealing with India that we have to deal with ancient races full of the pride of race,—we have to deal with ancient religions full of pride of religion. That is, of course, one of the great differences we have to remember in dealing with the position of India, as compared with countries further West. There are for instance seventy million Moslems in India, but in communion with them

through religious ties and rites is a vastly greater body of hundreds or millions of Moslems, stretching in a great belt from the Gulf of Malaya right across to West Africa—hundreds of millions of Moslems, who in their hour of worship all turn their faces to Mecca. We have the pride of the Hindus in their history, in their recollection of the past, they look back to, shall we say, the Mauryan Empire, memories of Chandra Gupta and his famous grandson King Asoka; their memories stretch to even earlier time, when, scarcely noticed by history, their Aryan ancestors were moving down from the North-West Frontier, the traditional path for the invasion of India along the plains of the five rivers now called the Punjab. They long back to dim far-off times, to date long before the Jutes, Angles, Saxons and Norsemen, of the original elements of whom our race is composed, landed on these shores, when Rome itself was a mere village, before the Roman legions were garrisoned behind the great wall which used to run from sea to sea in the north of Britain, a period even before the Druids reared the gigantic monoliths of the stone age.

I press this subject on the Conference and I hope that with the consent of the Prime Minister they will listen to Sir Tej B. Sapru while he deals with the subject in greater detail.

## SIR T. B. SAPRU'S SPEECH.

Sir T. B. Sapru said:—

“Mr. Prime Minister, let me at once say how deeply grateful I feel to you and His Majesty's Government, and may I thank you and His Majesty's Government and the various Prime Ministers for giving me this opportunity of free and full discussion of the question in which India is to-day so vitally interested. I fear I may take some time but I shall crave your indulgence for more reasons than one. The most important of those reasons is the importance of the subject. I am glad His Majesty's Government has decided to set apart a special day for this subject. That being so, am I not entitled to draw from it the inference that His Majesty's Government really recognises the importance of this question. When it is known in my country that His Majesty's Government recognises the importance of this subject, and that that recognition is shared by the various Dominion Prime Ministers, that fact alone will inspire them with some hope. Before I proceed further, may I also express my deep gratitude to Viscount Peel for the assistance he has given me in helping to bring this subject before the Conference and for the speech which he delivered to-day, which filled me with gratification and which I have no doubt, when it comes to be known to my countrymen, will fill them also with gratification. He has

identified himself to-day completely and unreservedly with every sentiment of our national honour. That is what I appreciate more than the moving eloquence with which he delivered his great speech this morning.

### INDIA UNITED.

I may well produce in some quarters the impression of being a fighter. I don't object to criticism of that kind. Really and truly I am fighting for the cause of my country and the Premiers of the various Dominions who have, in their day, fought for the cause of their country, won't object if I fight for the cause of mine; but I do fight. Let me tell you frankly, as a subject of King George I fight for a place in his household, and I won't be content with a place in his stables. Mr. Prime Minister, let me tell you that the problem of Indians Overseas is of vital importance, not merely to India but to the whole Empire. Whatever may be our position as regards self government however distant we may be from the cherished dream of ours, let me tell you that so far as this question of Indians Overseas is concerned we stand solidly united. We have our domestic quarrels. We have moderates and extremists. We have non-co-operators. We have Hindus and Mahomedans; but, so far as this question is concerned let me tell you with all the sincerity of which I am capable, that we stand absolutely united. Don't be misguided by what appears in certain papers here, which attempt to show that there is no feeling on this question. We attach far more importance to the honour of our nationals in other parts of the Empire than probably you realise.

### HONOUR AT STAKE

We express that feeling in the vernacular of our country by a comprehensive and delicate phrase which will no doubt be readily understood by Lord Curzon and His Highness the Maharaja. That phrase is "izzat." There is not a man either among the Princes or the humblest subjects of His Majesty who does not attach great importance to the question of izzat.

When "izzat," which means honour, is at stake we prefer death to anything else. That is our sentiment, and it is in that light that I present my case to you. Don't forget that my country, India, is the one country which makes the British Empire truly Imperial. I take pride in that. I don't indulge in the slightest degree in the reflection upon the dignity or honour of the position of any one of the Dominions, but I do claim that it is my country which makes the British Empire truly Imperial. One-fifth of the human race with a far more ancient civilization than your own, to which eloquent reference was made by Viscount Peel joins with you in acknowledging the suzerainty of our common Throne. That allegiance, with us, is a real living thing. Shake that allegiance and you shake the foundations of the entire fabric, with consequences which it will be difficult to over-estimate. Might I explain to you here a consideration which will guide me in presenting my case. In my humble judgment the one function of this Conference, the highest advisory body of the Empire, is to bring about a good



understanding between the various units that constitute the British Commonwealth to strengthen the ties which unite or ought to unite the different units of the Empire with their different outlook and their different religions. If this Conference fails to achieve that end, then let me say, it fails to justify its existence in the eyes of the Empire; but to achieve that end it seems to me that it is absolutely necessary we should open our minds to each other with entire frankness. Any mental reservation on an occasion like this and round this table would, in my humble judgment, amount to nothing short of treason against the King and treason against the Empire. It is in that spirit of frankness and in that spirit of candour that I venture to present to you my case and even though I may use now and again expressions to indicate the strength of my feeling and the feeling of my countrymen I beg the Dominion Prime Ministers not to misunderstand my spirit.

### THE CHANGE IN INDIA.

Let me tell you at once that feeling on this question in India is deep-seated and widespread. Let me also remove a very wrong impression and I am glad Viscount Peel referred to this question, for I desire to reinforce his arguments as an Indian. For twenty-seven years I have been in public life; for thirteen years I have been connected with Legislative Councils and I have sat in the Viceroy's Cabinet. I have never witnessed before what is happening in India to-day. Five years ago, it may have been possible for you to say that a wide gulf divided the masses from the classes. Let me now give you this warning—the classes lead the masses as never before. India has rapidly changed and that is the outstanding feature of the situation there. Intellectuals or if you like to call them, agitators, have gained the ascendancy over the masses. What the intellectuals think to-day the masses will think to-morrow. This question now before us, let me tell you, affects the masses directly. For it is from the masses mainly that most of our population have gone to the Dominions I belong to a province which has supplied a considerable number of men to the various Dominions and I know their feelings. You may condemn the agitators, you may condemn the intellectual classes, I will not quarrel with that but, remember that they have got power now with the masses.

### INFLUENCE OF VERNACULAR PRESS.

Don't forget the growing and increasing influence of the Vernacular press. I don't justify or indicate its attitude in every respect. I will, however, state the facts. It now penetrates the innermost recesses of our villages. Every village has got a reader who reads for the illiterate people the Vernacular newspapers. I have been reading extracts from the Vernacular press of my own country, and while I deprecate the wild language in which it indulges, let me tell you frankly that it is seething with indignation on this question and that is affecting the whole outlook of my countrymen in the villages. Any inequality of Indian nationals en'ers like iron into our souls. For Heaven's sake, whether you find a solution or do not find a solu-

tion, don't dismiss this statement of mine as mere sentimental nonsense. It is an absolute fact, and I am here to interpret to you the present position of my countrymen as regards the question. It cuts to the quick our national pride and our new consciousness. It permeates and sours our whole outlook as regards Imperial relationships. It derives an impetus from the natural inclination to take a pride in being a member of the biggest Commonwealth that the world knows to-day. It makes the task of the Government of India of which I had the honour of being a member until a few months ago, infinitely more difficult in dealing with their domestic problems than you realise.

### DISMAY AT KENYA DECISION.

Here I must reinforce the arguments of Viscount Peel. This feeling runs right through our national life. Let me at once tell you that I am unwilling to enter at length into the merits of the Kenya decision, but my countrymen expect me, my Government expects me, and I am bound by all considerations of honour and duty to put you in full possession of the sentiments of my countrymen and my Government as regards your decision. They have received that decision with the utmost possible dismay. I know the official view is that in certain respects our position in Kenya has been improved. That is not the view we share. We judge you by a standard which is admittedly very high. We were not fighting for little things, we were fighting for a big principle. I know and I feel, and my countrymen feel, and my Government feels, that a serious blunder has been made. I know also that British statesmanship is wise and whenever a thing goes wrong it begins to think, and I honestly believe that it will soon recognise the mistake which it has made. Let me tell you on behalf of my countrymen that neither my country, nor the Government which I have the honour to represent, will accept this decision as final. Indeed there is nothing final in politics, and I want His Majesty's Government to recognise that position and indicate, if possible, that they do look upon this question in the light in which I have just presented it. May I conclude this portion of my speech by assuring the Conference that while on domestic questions of Indian politics we, like most of you, have our differences of parties, groups and interests, yet, upon this question which concerns the honour of our nationals in Kenya and the honour of our nationals overseas, there is no difference between us from the Viceroy downwards.

### THE VICEROY'S OPINION

May I remind you of what the distinguished and eminent statesman, with whom I had the privilege of working in close co-operation for two years, and to whom I hope my countrymen and his countrymen will do justice some day, said on a critical occasion in the Legislative Assembly, when the announcement on the Kenya decision was published in India. I will quote from his speech: "The news of the decision regarding Kenya" said Lord Reading "came to me and my Government, no less than to you as a great and severe disappointment. For India had made the cause of

Indians in Kenya her own. As His Majesty's Government has stated, this decision conflicts on material points with the strongly expressed views of my Government, as laid before the Cabinet by the Secretary of State for India." That is the opinion of the Viceroy. May I crave your indulgence for two minutes to read to you a few typical telegrams, I have received in the last few days, some of them from absolutely unexpected quarters. They come to me from representative bodies of all shades of opinion. Mr. Sastri, who has been so frequently in the last few years connected with this matter, sends me a telegram supporting the proposals, not without misgivings, which I am going to put before you at present. Now, the Swaraj party to which I do not belong and which does not see eye to eye with me, and from which I should never have expected to receive support, sends this telegram from Poona through its Secretary and leader, Mr. Kelkar:—"Maharashtra Swarajya Party offers you full support in any strong action you take to get redress of Kenya wrong."

### FROM UNEXPECTED QUARTERS.

Let me tell you again that most of the telegrams have come from unexpected quarters. Well, here is a most remarkable telegram from a gentleman with whom I have worked in full co-operation until five years ago, but from whom I have separated when the differences arose. Pandit Madan Mohan Malaviya now belongs to the Non-co-operation Party, and three days ago if you would have asked me I should never have said that I will receive telegram like this from that gentleman. It is from a man with forty years of solid work behind him, and this is his telegram. It is sent to me from Simla:—"Indians of all shades of public-opinion are at one with you in demanding equality of status with their fellow-subjects throughout the British Empire. If the representatives of other parts are not prepared to give practical support to this elementary right of Indians to citizenship of the Empire, the participation of Indians in the Imperial Conference becomes a mockery and a deep national humiliation and trust both you and the Maharajah of Alwar will withdraw." I have received two telegrams from Mrs. Besant supporting me on her own behalf and on behalf of her entire party. Let me tell you that while I am her friend I do not belong to her party.

### GOVERNMENT'S TELEGRAM.

Lastly may I give you a telegram which was handed over to me the day before yesterday, and which has come to me from the Government of India. It says:—"We understand from Reuters that the Conference will discuss overseas questions, probably on the 24th October. A resolution passed recently by the majority of the Bombay Corporation to boycott Empire goods wherever possible as a protest against the Kenya decision and the resolution on the same lines of a Poona public meeting further indicates the importance attached to the equality of status overseas, and we sincerely hope that the proceedings of the Conference will restore confidence and good feeling. As regards Mandates, we trust that the atmos-

phere will permit you to secure a favourable solution, otherwise India's right to a revision of policy must be reserved. Sir T. B. Saprú's proposal in a letter to Sir Narasimha Sarma to reserve the right to challenge the policy when India's interests are affected though substantially the same as ours, is less elastic. We earnestly hope you have secured an agreement with General Smuts to abandon or modify the segregation policy as suggested in our despatch. We attach very great importance to it. We hope also that the Dominions and the Colonial Office will consent to the appointment of agents to assist them and us in this difficult question as suggested in our memorandum. Please send a copy of the telegram to Sir T. B. Saprú."

### CONDITION IN THE DOMINIONS.

I won't take up your time any further. I have tried only to reinforce the argument which Viscount Peel has put forward by showing how the different classes of our people are agreed on this question. Having explained the depth and implication of Indian feeling, I will now proceed to explain the circumstances in various parts of the world whereby this feeling is at present aggravated. I have been studying such official papers as are available to me, and for the sake of convenience and to save your time I propose to read to you a very brief summary of the position. There are about one and a half million Indians now settled in other parts of the Empire, and in many parts they are subjected as Indians and quite irrespective of how well they shape up to local franchise standards, to grave political, even economic disabilities. Let me start a brief survey of these grievances by paying tribute to the Government of New Zealand, which is represented by my distinguished friend over there. That Government in its own territory at least treats Indians on a footing of equality with all other inhabitants of the country, and my countrymen can live there among New Zealanders as their fellow-citizens in honour.

### IN AUSTRALIA.

In Australia also the disabilities which Indians suffer are comparatively small. We hope that before long legislation will be passed to enable them to exercise Dominion franchise and remove the disqualification they at present suffer as regards invalid and old age pensions. In certain provinces also there are minor disabilities which I hope it will not be hard to remove, in Queensland they have no state franchise, and they have to undergo a dictation test for employment in sugar and dairy industries which is apt to operate prejudicially. In Western Australia also they have no state franchise, while in Southern Australia they are disqualified for leases under the Irrigation Act. Let me tell you plainly that if I have failed in this statement to convince Mr. Bruce, I hope he will at least extend to me the hand of fellowship on this question. I am willing to co-operate with him to devise methods for the solution of these difficulties. In Canada of which Mr. Mackenzie King is the distinguished Prime Minister there is a

all population. I hope he will correct me if I am wrong, of not more than 6,000.

Mr. Mackenzie King—Over twelve hundred.

Sir T. B. Sapru:—Thank you very much. In British Columbia there is no provincial or municipal franchise. Now I come to the most difficult part of my task. I come to South Africa.

### SOUTH AFRICAN INDIANS.

In South Africa the problem is very serious. Here there are 161,000 Indians of whom all but a few thousands are mainly resident in Cape Colony. They have no political franchise. In Natal, besides this, they fear they will lose the municipal franchise. In the Transvaal there is no franchise of any kind. Nor is it only political subjection that my countrymen complain of. They also suffer severe economic handicaps. In Natal they are restrained from acquiring townlands in townships. In the Transvaal they are prohibited, either as individuals or companies, from acquiring land, and in the gold area they may not occupy land. To make their lot more miserable the laws governing the grant and regulation of traders' licences are administered in a manner which strikes directly at their own interests. Moreover, the Union Government of which my friend General Smuts is the head even now is contemplating legislation which will provide for the compulsory segregation of Indians in urban areas by restrictions on the ownership and occupation of land.

May I be permitted at this stage to invite the attention of the Conference to the curious discrepancy between this very serious state of affairs and the sentiments enunciated in 1917. I believe in this very hall, General Smuts, then said, and I quote his very words:—"Once the White community of South Africa were rid of the fear that they were going to be flooded by unlimited immigration from India, a fear removed once for all by India's acceptance of the reciprocity resolution of 1917, all other questions would be considered subsidiary and would become easily and perfectly soluble." May I also remind you what Mr. Burton said on a former occasion at the Imperial Conference, and I attach considerable importance to the testimony he has given as regards the character of my countrymen in South Africa. Mr. Burton said:—"So far as we are concerned it is only fair to say, and it is the truth, that we have found Indians in our midst in South Africa who form, in some parts, a very substantial portion of the population, good, law-abiding and quiet citizens and it is our duty to see"—as he expressed it—"that they are treated as human beings, with feelings like our own and in a proper manner."

From the self-governing Dominions I pass to the Colonies, and very briefly allude to our position there. In British Guiana I gladly acknowledge that our Indian population can live on terms of honour and equality of treatment. Their grievances are comparatively very much fewer. In Fiji my countrymen demand more adequate representation, based on a satisfactory franchise in the legislative bodies. They also ask for settlement of the minimum wage based on the cost of living. They ask for the removal

of the poll-tax, which presses very hard on them. They ask further that land should be given to them for settlement. They ask,—and I have received a cable from an important quarter—that if these grievances are not removed they should be repatriated.

### KENYA GRIEVANCES.

In Kenya Indians desire a common roll instead of communal franchise. They protest against the administrative veto which prevents them from acquiring land from willing European settlers in the Highlands and they fear that the immigration restrictions may be employed in such a way as to prejudice the development of the colony by Indians. In Uganda Indians are pressing for representation by election rather than nomination to the Legislative Council, and in Tanganyika, which my countrymen helped to win for the Empire, they have certain grievances which I understand are at present under the consideration of the Colonial Office, such as the profit tax, pedlars' licenses, trade licences, and may I express the fervent hope that the Colonial Office will give very sympathetic consideration to those grievances before they arrive at any decision. Thus, wherever we turn we see circumstances in the local status of Indians which are not to be reconciled with India's national aspirations or with the position which she will obtain as a result of the declared policy of His Majesty's Government, a position which I hope she will achieve much sooner than some people realise.

### MANDATED TERRITORIES.

At this stage I will slightly digress my argument and refer to C Mandates in very few words. As regards the administration of what I will call C. Mandated territories which have been committed to the charge of certain Dominions I desire to say that my countrymen cannot acquiesce in any position which does or may in future make their status inferior to what it was when those territories were administered by Germany. I have already read to you the views of the Government of India in a telegram. The matter is at present not of very great practical importance, as the number of my countrymen is very small, but I must in fairness enter a protest against any action which may in future turn to our disadvantage. May I also in this connection remind you of the provisions of Article 22 of the League of Nations. I will only quote the material portions. After referring to Central African and other peoples, it lays down that the Mandatory power besides certain other duties shall "secure equal opportunities for trade and commerce of other members of the League." I take my stand on that.

### POSITION TAKEN BY 1921 CONFERENCE

Having thus reviewed the position of the self-governing Dominions and Colonies according to the information available to me,—and I shan't object to any member of the Conference correcting me if I am wrong in any detail—let me tell you the position taken up by the Conference in 1921.

Viscount Peel has read us a portion of that resolution but I propose to read to you the whole of the Resolution:—"The Imperial Conference, while reaffirming the resolution of the Imperial War Conference of 1918 that each community of the British Commonwealth should enjoy complete control of the composition of its own population by means of the restriction of immigration from any other communities, recognises that there is incongruity between the position of India as an equal member of the British Empire and the existence of disabilities upon British Indians lawfully domiciled in some other parts of the Empire. The Imperial Conference, accordingly, is of opinion that in the interests of the solidarity of the British Commonwealth it is desirable that the rights of such Indians to citizenship should be recognised. The representatives of South Africa regret their inability to accept this resolution in view of the exceptional circumstances in the greater part of the Union. The representatives of India, while expressing their appreciation of the acceptance of the resolution recorded above, feel themselves bound to place on record their profound concern for the position of Indians in South Africa and their hope that by negotiation between the Governments of India and South Africa some way can be found as soon as may be to reach a more satisfactory position."

### QUESTION OF IMMIGRATION

You will thus see that the resolution divides itself clearly into three parts, I will take up the first part which deals with the question of immigration. It gives each Dominion the fullest and freest right to regulate the character and composition of its own population. I am bound by that. You are bound by it. But just as I am bound by it, you are also bound in honour by the second part of the resolution which really is the most vital part with which I have got to deal except, of course, that portion which relates to South Africa, but before I proceed further let me make one point clear. Let there be no misgiving about the question of immigration. There is a growing sentiment in my country that we should not send our nationals outside anywhere, and I may perhaps make the confession with the permission of the Prime Minister and the Secretary of State for India regarding my attitude when I was member of the Government of India. I helped to draft the Immigration Act and I was the president of the committee which sat to consider it. I was probably the strongest exponent of the view that there should be no immigration from India outside on any conditions whatsoever. We do not want our nation outside India to appear as a nation of coolies. We have had enough of that. There is plenty of scope for the conservation of the energy of my countrymen in my own country. We want them to rise to the full height of their stature in our own country. The Dominions, therefore, need have no fear on that account.

### VITAL IMPORTANCE TO INDIA

I just said that as I felt bound in honour by the first part of the resolution I consider, and I hope I am not demanding anything extravagant from you, that you are also in honour bound by the second part of the resolution. I will be absolutely frank. I will exclude South Africa because

South Africa stood out. I make no appeal to South Africa on the basis of the second part of the resolution, but I will ask the other Dominion Prime Ministers what my countrymen and what my Government are asking in India namely, what steps have been taken or are proposed to be taken to honour this three-year-old agreement? While every reasonable man must make allowances for the practical difficulties in implementing that resolution, while I recognise the difficulties arising from local circumstances and prejudices, from slow changes in public opinion, and from the exigencies of party politics, yet I must tell you that the question is one of vital importance and in fairness to my country I must say that she finds herself absolutely unable to acquiesce in the present position. I have, therefore, come to you in the name of my Government, in the name of the many millions of my countrymen, to make an earnest and sincere appeal to join hands with me in devising some methods such as your statesmanship will enable you to do, method intended to give effect to the principle of equality embodied in resolution of 1921. Do not, for a moment, think that I fail to recognise your difficulties. I have held office and I know the difficult position of responsible Ministers. I am not blind to those difficulties, but pray let me ask you also to realise our national difficulties and my difficulties. I invite you to face with me in the broadest spirit of statesmanship this vital problem that Viscount Peel and I had the honour of placing before you this morning, and I claim your co-operation devising methods for solving the problem.

#### UNITED ACTION WANTED.

After long and careful consideration I have come to the conclusion that I must place certain definite constructive suggestions for your consideration. If you in your side can make any better suggestions to me, if you can offer any better alternatives to me take it from me that you would find none readier than myself to accept them. I earnestly suggest that what the occasion demands is united effort if we are to find a solution for this difficult problem which threatens at no distant date to acquire almost the character of a problem of foreign policy. I appeal to the Dominion Governments and His Majesty's Government to take a united course.

I will now tell you what my resolution or proposal is. I have reduced it to writing. It is "Let the Dominion Governments who have an Indian population, let His Majesty's Government in the areas under their direct control such as Kenya, Uganda, Fiji and other places where there are Indians resident, appoint committees to confer with the committee which the Government of India will send from India in exploring the avenues of how best and how soonest the principle of equality implied in the 1921 resolution may be implemented. And lest the course of the enquiry be prejudiced, I will couple with my proposal the request that any anti-Indian legislation which may be pending should be stayed until the report of these joint committees are available." That is my resolution.

At once I propose to remove any mis-apprehension which may be lurking in the minds of anyone who has listened to me. I do not want a central



committee. Let me tell you I want a committee appointed by each Dominion within its own borders and I want a committee appointed by each Dominion to confer with the committee which will be appointed by the Government of India and which will go to each Dominion. That is my appeal to the Dominions except, of course, to South Africa. Under the resolution of 1921, I make the same earnest appeal to His Majesty's Government and especially to the Duke of Devonshire and the Colonial Office in so far as the resolution relates to the Colonies.

#### ADVANTAGES TO BE GAINED.

I will in a few words tell you what in my humble judgment are the advantages to be gained from my resolution. In the first place you gain time and that will enable us to calm the angry passions that have arisen in India on this question. In the second place India will be undoubtedly in a more hopeful frame of mind and if we can all bring all the moral forces available to us to bear upon the solution of this problem. In the third place my resolution absolutely safeguards your independence, I mean the independence of the Dominions. It places the initiative in your hands, and let me tell you it is not merely because I am anxious that the Dominions should have that independence that I have provided for that safeguard but also because of the lurking feeling of self-interest in my mind that you have received a rich inheritance of independence and freedom of self-government in your territories, while I am still aspiring to it, I hope my aspirations will be realised very soon and then, like you I shall be jealous of any outside authority imposing its will upon me in my affairs. It is for that reason that I am anxious that the Dominions themselves should take the initiative as regards this committee which I suggested and the committee which we propose to send out from India to confer with you in your countries. I think and I honestly believe that if the problem is explored on those lines it would be found that it will not in the end prove insoluble.

#### ADDRESS TO GENERAL SMUTS.

I now turn perhaps to the most difficult part of my work and that is my address to General Smuts. I frankly recognise I cannot address him on the basis of the resolution of 1921. He was no party to it but I address him on three specific grounds; firstly, as a humanitarian, secondly as an Imperial statesman, and thirdly, as the Prime Minister of South Africa. As a humanitarian I say he cannot absolve himself of the moral duty which rests on his shoulders of elevating the status of my countrymen in his Dominion. Let it be granted that their standard is low. It makes his task all the more imperative and urgent that he must help them in raising that standard of my countrymen. Let him not forget my countrymen now when it lies in his power to raise their standard. He cannot permanently relegate them to position of inferiority for therein lies menace not to his country or mine but to the Empire.

I appeal to him next as an Imperial statesman. Ever since the days of the Armistice what is it that General Smuts has stood up for? He has

stood up for peace—peace to all the world, and he has stood up as the protector of minorities. He has acquired a unique position as an Imperial statesman. It has given him a worldwide fame. What is it that we have observed during the last three weeks' sitting of this Conference. General Smuts has been trying to devise means to bring peace to a distracted world. Is he going to exclude from that happy mission of his, his country and mine? For, let me tell you that there can be no peace unless he includes his country and my country within the ambit of his big proposals. I don't address him on the basis of the resolution of 1921. I do not wish to interfere with his very natural desire to be consistent. I appeal to him independently of that resolution and I say to him "won't you join hands with me?" as I have appealed to the other Dominion Prime Ministers in devising methods for the solution of this problem now and for all time. I do not indulge in any threat. That is not my line, and I hope General Smuts will not misunderstand me. However powerful he may be in South Africa and however weak we may be in India, you cannot relegate my countrymen for all time in King George's Empire to the position of inferiority.

I will now address General Smuts as the Prime Minister of South Africa. Does he fully realise the implication of his present policy? I doubt whether he does. Will he not aggravate the trouble not merely in South Africa but throughout the world by putting the white people on one side and the coloured races on the other side? I tell him frankly that if the Indian problem in South Africa is allowed to fester much longer it will pass, as I said just now, beyond the bounds of a domestic issue and will become a question of foreign policy of such gravity that upon it the unity of the Empire may founder irretrievably. I therefore earnestly trust he will not refuse to co-operate with me in attempting to discover a solution, and I also hope that in view of the present seriousness of the situation which my Government and people have referred more often than I can repeat here, he will agree to the appointment of a diplomatic agent to be sent by the Government of India to South Africa who will protect our nationals there, who will act as an intermediary between them and the South African Government and who will put our Government in full possession of the facts relating to our nationals.

#### A SUBTLE DOCUMENT.

I will very briefly make reference to the proposals which General Smuts has been good enough to circulate in the memorandum among the members of the Conference. I have read them with very great care and all the attention and weight to which a memorandum of General Smuts is entitled. Let me tell him and let me tell you all that it is a document of remarkable subtlety, such subtlety as I have always been accustomed to associate with the name of General Smuts. In the first place General Smuts takes exception to what Mr. Sastri has been saying or doing. I hold no brief for Mr. Sastri. He has been an intimate friend of mine and fellow-worker in public life during the last twenty years. If the only objection General Smuts has got to find with him and if the only crime to be attributed to him is that he, in the Dominions frankly and freely pleaded for

equality for his countrymen, then let me tell General Smuts that he is indicting not merely Mr. Sastri but 320 million of my countrymen. We all plead guilty to that charge. I will refer no more to that personal issue but I will ask you first of all to consider the implications of that important memorandum.

General Smuts compares the British Commonwealth to the League of Nations, but I say emphatically that the analogy may hold good up to a certain point but after that it breaks down. The League of Nations has no common Sovereign. The British Commonwealth has a common Sovereign and we are united by our allegiance to him, but if the British Commonwealth is to be compared to the League of Nations you cannot stop short of the full extent to which that analogy must be applied. What is it that the League of Nations has been created for? It was created, as I understand it, to settle disputes between the various Governments by conference and by consultation aid to do so unless they refuse to come to that conference and that consultation. But it is just this consultation and conference which General Smuts, as I understand, is refusing.

#### LIMITS TO CONSTITUTIONAL RIGHTS.

What is it that a resolution like his comes to? It asks the Dominion Prime Ministers, who participated in the Conference of 1921 and agreed to that resolution, now to treat it as a scrap of paper and join him in passing an absolutely new resolution which on the face of it has for its object the reservation of the fullest freedom to each Dominion to pass its own laws regarding franchise. Nobody has doubted that constitutional right but there are limits to that constitutional right, limits which are prescribed by prudence. Let me illustrate that. The British Parliament is the Sovereign Parliament and the Free State Parliament in Ireland is an independent Parliament. Suppose the Irish Free State Parliament passed or intended to pass legislation to the effect that it would not recognise the right of any Protestant or Englishman to the franchise in Ireland and suppose on the other hand, the British Parliament intended to pass legislation to disenfranchise all Irishmen settled in Scotland. Well, if you looked at it strictly from the legal viewpoint you might say that these Parliaments would be within their right but prudence would at once prescribe the limits to the exercise of that power and that constitutional right. The first impulse of the two Parliaments would be to confer to devise methods of avoiding a conflict. Would they not do it? Yes. I recognise the constitutional liberty and constitutional right of the Dominion Governments, but let me tell you this, that constitutional rights can only be exercised with prudence and discretion up to a certain point and beyond that point you have to allow those constitutional rights to be subordinated to statesmanship, to prudence and to discretion as well.

I don't wish to raise a legal argument. I hope no legal argument will be raised because this is not a legal body. There is only one thing I will say. General Smuts has said that the one binding tie between the Dominions and other parts of the Empire and India is our common allegiance

to a common Sovereign but he coupled that statement with a further proposition, namely, that from that allegiance political rights didn't follow. Well, I won't have a duel with General Smuts on a point of constitutional law but I will venture to tell him one thing. The allegiance to a Sovereign is a very living thing. It is not a mere figure of speech, and whenever you pass any law which affects that allegiance of a subject to his Sovereign and the corresponding duty of protection of the Sovereign to the subject you tread on very dangerous ground. If a constitutional position like that is argued, let it be argued before a legal body, and, speaking for myself with all humility I have no fear of facing that constitutional issue on legal grounds but I do not wish to raise that legal argument at this Conference.

### WHAT THE EMPIRE STANDS FOR.

I have practically reviewed the whole position, and I will now make an appeal to the Conference itself. I will appeal to the Conference to realise to the full the implications of the Indian problem. I have placed before my colleagues from the Dominions and His Majesty's Government here certain specific proposals. I believe, and honestly believe, that the British Empire stands for justice and equality in the eyes of the world. Will you make a place within it for India? Think for a moment of the present position. Ancient and modern history provides no parallel to it. Three hundred and twenty millions of my countrymen whose religion is different from yours, whose colour is different from yours, whose race is different from yours, and whose history is different from yours, are united by the common tie of allegiance to a common Sovereign. They are members of a commonwealth the like of which never existed before. I am one of those men who say that the British Empire can never be described as exclusively a white Empire. Within its borders it comprises a large number of populations of coloured races.

Now how are you going to keep Indians or for that matter all other coloured races within the Empire? Force? Never. Because apart from the obvious limitations of force you cannot be untrue to your own traditions of liberty, justice and equality. You cannot afford to ignore and neglect world opinion on this question. By preserving our sentiments? Certainly. That will be the strongest tie you can have and it remains for you to make use of it. Fulfil our aspirations within our own country for self-government, fulfil our aspirations for a position of equality inside the Dominions, and Colonies and India will stand shoulder to shoulder with you through thick and thin. It is by preserving that sentiment that you can keep India, and I pray with all the sincerity I am capable of that this Conference may come to some decision which may strengthen the bonds between the Empire and India, for I do believe in that connection. Make no mistake. It is by sentiment and by observation of that sentiment that you will retain us and enable us to achieve self-government and satisfy our other national ambitions outside our own country.

## WHAT INDIA IS FIGHTING FOR.

Think for a moment what India means to you. More than three hundred million men are closely allied to other Asiatics constituting almost the entire half of humanity. They are placed within the ambit of the British Empire. If we are incorporated within the Commonwealth, think what we shall mean to the peace of the world—with our ideals of self-government, bridging, as we do, East and West and shouldering the burdens which are yours as well as ours for the service of humanity. Think again of the ties which bind us together if you will allow them to do so. King George is your King but our Sovereign. Devotion to his person and his Throne, is a very real thing. Notwithstanding what some wild, extravagant men may say in my country I claim, and let me be very plain, not as a matter of grace but as a matter of right as the King's subject a position of equality and honour within the Empire wherever it may be, for to us our position in his household overseas is of far greater importance than any other questions which are at present agitating our minds. I am fighting in this spirit, fighting as a firm believer in the connection of India with England, fighting as a loyal and devoted subject of the King, as one who had the honour of serving him in his Government in India, and I am fighting for the honour of my country. Before you all my plea, indeed the plea of all my countrymen, is for equality within the great King's Empire including his Dominions. On that there can be no faltering or weakening on my part. I invite you to devise the means with me to give effect to this cherished ambition of my countrymen.

Can I now make an appeal to the Prime Minister? Sir, you are head of His Majesty's Government. Let me tell you that every single word that falls from you on this occasion will be read, re-read and analysed in my country from one end to the other. I now want to make an appeal to the Prime Minister and his colleagues. Don't send His Highness the Maharajah, don't send me back to India to say that I attempted to seek justice at this the greatest advisory council of the Empire and that I failed. I speak with all earnestness that one single gesture from His Majesty's Government, one single expression of sympathy put into practice, *one honest attempt made to try to find a solution* will allay the situation in India in a manner which you don't realise. I am afraid that I have trespassed too much on your time and I beg your pardon. I also thank you for the patient and courteous manner in which you have listened to me but the cause of my country demanded that I should put my whole case before you frankly and to the best of my ability."

## DUKE OF DEVONSHIRE.

Resuming the debate on October 29th, 1923 the Duke of Devonshire said: "At the outset in a few remarks I have to offer I cannot refrain from saying that India has been exceedingly fortunate in the spokesmen selected to represent her case at this Conference. That case was eloquently stated by Lord Peel and His Highness the Maharaja of Alwar, and was developed by Sir Tej Bahadur Sapru in a speech, the closely reasoned argument of which was greatly reinforced by its studied moderation.

I particularly noticed that the proposal which he submitted was outlined in rather than reduced to the special terms of his resolution. In this, if I may say so, I think he was very wise because while he made the general purpose of his proposal perfectly clear he left the precise form to be moulded in subsequent discussion. Let me state, as shortly as I can, the gist of that proposal as I understood it. Two years ago this Conference, with the exception of the Prime Minister of South Africa, agreed that the rights of Indians domiciled in parts of the Empire other than India, should be recognised. Sir Tej Bahadur Sapru has now proposed that the question of how and when effect can be given to this agreement should be made the subject of enquiry and discussion between the committees representing the several Governments concerned and the committee representing the Government of India.

### SOME "SETTLED MATTERS."

That is what Sir T. B. Sapru asks. But before I proceed, I must also invite you to note that there are various matters already settled which he is not attempting to reopen. He does not question the right of each community of the British Commonwealth to control the composition of its own population. He is not, in a word, asking the self-government Dominions to reopen the question of Indian immigration. He frankly recognises the autonomy of the Dominions' Governments within their respective territories. What he asks is that the Governments concerned will agree to discuss with the Government of India the steps necessary to give effect to the resolution passed by the Conference of 1921. It is, of course, in the last instance, for each Government, to decide for itself, but, because in certain matters such decisions are not limited in their effects to the countries by which they are taken, the issues to which they relate may be brought for mutual discussion here. In so far as the British Government is responsible for the Colonies and Protectorates I can only say on behalf of the British Government that we certainly accept the principles of the request put forward by Sir T. B. Sapru. In saying this, you will not understand me to mean that we are prepared to reopen matters which have been made the subject of recent and most carefully considered decision. I refer more especially to the Kenya settlement, the terms of which were placed before and accepted by the British Parliament in July.

### THE SETTLEMENT OF JULY LAST.

While I would not propose that the area of discussion between the contemplated Committee and the Secretary for the Colonies should be limited, I should only be misleading India if I were to say anything to suggest that the Government could consent to reconsider the decisions embodied in the settlement of July last. To use the words of the White Paper the constant endeavour of the British Government throughout the deliberations was to relate the principle which must govern the administration of British Colony in tropical Africa to the wider consideration of general Imperial policy. As enunciated in the resolution of the Imperial Conference of 1921, I have also to remind the representative of India

that so far as British Colonies and Protectorates are concerned the ultimate responsibility rests with the British Government, and it is with the Government, and, more particularly, the Secretary for the Colonies, that any question affecting the British Indians domiciled in these Colonies and Protectorates should be discussed in the first instance by such a Committee. As Sir T. B. Sapru has suggested it will then be for the Colonial Office to consult, as may be necessary, and Colonial Government concerned in these discussions, before any decisions are taken by the British Government. I am hopeful that the area to be covered by these discussions will not in fact prove wide. I recently circulated to the members of the Conference, in response to their general wish, a memorandum upon the political status of British Indians in the Colonies, Protectorates and Mandated Territories.

#### A MEMORANDUM.

I studiously confined the memorandum to facts, and perhaps I may be permitted to summarise, quite briefly, what that memorandum contains. It shows that in the West Indian Colonies British Indians are under no political or legal disability of any kind. They have the same franchise and the same opportunities of becoming members of elective bodies as any other British subjects. The West Indian Colonies in which there is a considerable British Indian population, are British Guiana, Trinidad and Jamaica. In British Guiana and Jamaica an elective system already exists, and it will be introduced into Trinidad at an early date. When you turn to Eastern Colonies the memorandum shows that in Ceylon, under the revised Constitution about to be issued, qualified British Indians will be eligible for the franchise and election to the Legislative Council in the same manner as all other British subjects. Again in Mauritius, there is no distinction between British Indians and other British subjects as regards eligibility for the franchise. In East Africa, you will find from the memorandum that in Uganda, the Legislative Council is not elective, but there is no restriction in the number or race of unofficial members who may be nominated to the Council, while in Tanganyika there is no Legislative or Executive Council. I cordially welcome, on behalf of the British Government, the proposal of the representatives of India as far as the Colonies and Protectorates are concerned."

#### GENERAL SMUTS' SPEECH

General Smuts said:—"I desire to pay my tribute also to the earnestness, eloquence and ability of the speeches that have been made here by the representatives of India. The proposal which has been made by Sir Tej Bahadur Sapru does not concern South Africa and therefore I do not think it necessary for me to detain the Conference for any length. As, however, the subject is a very difficult one I may perhaps be allowed to say a few words in reference to the general situation. The Maharaja of Alwar has said very rightly that what this question requires is an understanding, an understanding not only of the difficulties and the special position of India but also of the difficulties and the special position of

other British communities and I think a few words of mine might not be out of place here. So far as I can judge, the atmosphere has really become worse in the last two years for a solution of this question. In South Africa, undoubtedly, it has become worse. That is due partly to the visit of Mr. Sastri and his speeches in various parts of the Empire to which I do not wish to refer with any particularity. The Prime Minister of Canada has said what the effect of the visit has been in Canada, and in South Africa it has undoubtedly emphasised the difficulties that existed before. That was one of the reasons why I thought it might not be wise for Mr. Sastri to come to South Africa. Our difficulties are great enough as they are.

### THE KENYA QUESTION.

There was another circumstance which has affected the attitude and the atmosphere in South Africa very considerably and that is the Kenya question.

There is no doubt that, in South Africa a profound sympathy was stirred up for Kenya. Here you have a very small British community, a handful of settlers, who find themselves pitted against the mighty Empire of India, who find themselves against overwhelming forces and who, although they are the most loyal community in the British Empire, consisting mostly of ex-army men, had in the end to go to the length of almost threatening force in order to maintain their position. The sympathy that was aroused and stirred for Kenya in South Africa has had a very serious repercussion there on the Indian Question, as a whole, I have no fault whatever to find with the attitude either of the Colonial Office or the India Office here. I have nothing but praise for the way they handled this very difficult situation and the settlement that was come to was, I think, a wise compromise and, so far as my influence went, I used it with the people of Kenya to get them to accept the settlement as they have accepted it. But I must say quite frankly that I have been very much perturbed over the attitude adopted by the Indian Government in this matter. They pressed the case against Kenya in a way which seemed to me to exceed the limits of prudence and wisdom and when the settlement was ultimately made, language was used with regard to it which I think would certainly not help the cause of loyalty either in India or anywhere else in the Empire. The whole incident, as I say, has had a very bad effect in South Africa.

### PLEA FOR THE SETTLERS.

The difficulties from the African viewpoint are very great. Dr. Sapru has said, and quite rightly, that the majority of the population of the British Empire are coloured. That is so, but let me make this remark. All through the very able and moderate argument of Dr. Sapru he referred to this colour question and the indignity which was either openly or by inference inflicted on those British subjects who have colour. Well, I wish to say that so far as we in South Africa are concerned, it is not a ques-



tion of colour. It is a different principle that is involved. I think that every thinking man in South Africa takes the attitude that an Indian is not inferior to us because of his colour or any other ground. He may be our superior. It is the case of a small civilisation, a small community finding itself in danger of being overwhelmed by a much older and more powerful civilisation and it is the economic competition from people who have entirely different standards and viewpoints from ourselves. From the African viewpoint what is the real difficulty? You have a Continent inhabited by a hundred million blacks where a few small white communities have settled down as pioneers of European civilisation. You cannot blame these pioneers, these very small communities in South Africa and Central Africa, if they put up every possible fight for the civilisation which they started, their own European civilisation.

They are not there to foster Indian civilisation. They are there to foster Western civilisation and they regard as a very serious matter anything that menaces their position which is already endangered by the many difficulties which surround them in Africa.

#### THE POSITION IN A NUT-SHELL.

In South Africa our position in a nut-shell is as follows. In the Union we have a native population of over six million, we have a white population of over one and a half million and we have an Indian population of something like 160,000 mostly confined to one province, to the most British province in the Union—the province of Natal. Mr. Sastri in one of his somewhat outrageous statements referred to this as a Boer Empire, an Empire which is swamped by Boer ideals. Well, the fact is Indian difficulties have mostly arisen and continue to grow in a part of South Africa where there are almost no Boers at all, in an almost purely British community. But you have in this province of Natal a majority of Indians and a minority of British settlers and whatever the mistakes of the past may have been, the grandchildren of to-day do not plead guilty to the errors of their ancestors and they want to right the situation and safeguard the future for themselves and their children. What is the position? In the Cape of Good Hope and the Cape Province, we have a franchise—a property and income and literary franchise, and in that province, the Indians are on exactly the same footing and have the same franchise as the Whites. No difference is made but in the other three provinces of the Union, we have a manhood suffrage. In the two provinces of the interior, the Transvaal and the Free State, that franchise was laid down by the British Government and not by ourselves.

#### THE BLACK PERIL.

When we received a constitution after the Boer war, many years ago, this constitution contained a manhood suffrage and that has remained the state of affairs upto to-day and will probably remain the state of affairs for a long time. The tendencies in South Africa just as elsewhere are all democratic. You cannot go back on that manhood suffrage. Once it has

come, you will probably pass on from manhood suffrage to universal suffrage. That was the act of the British Government and not the people of South Africa. How are you going to work that in with an Indian franchise? If an Indian franchise is given it has to be identical. No differentiation would be allowed by Indian public opinion and quite rightly. Well, the result would be that in Natal, certain, you would at once have an Indian majority among the voters. But our difficulty is still greater. You have a majority of Blacks in the Union and if there is to be equal manhood suffrage over the Union, the whites would be swamped by the Blacks. You cannot make a distinction between Indians and Africans. You would be impelled by the inevitable force of logic to go the whole hog and the result would be that not only would the Whites be swamped in Natal by Indians but the Whites would be swamped all over South Africa by Blacks and the whole position for which we have striven for two hundred years or more now would be given up.

### A GREAT MISTAKE.

So far as South Africa is concerned, therefore, it is a question of impossibility. Dr. Saprú and his colleagues say quite rightly that for India it is a question of dignity. For South Africa, for white South Africa, it is not a question of dignity but a question of existence and no Government could for a moment either tamper with this position or do anything to meet the Indian viewpoint. That is why I think the resolution passed in 1921 was a mistake. I thought it then. I still think it a great mistake. We got on the wrong road there. For the first time we have passed a resolution through this Conference by a majority. It has never been done before and I do hope it never will occur again. Our procedure in this Conference has been by way of unanimity. If we cannot convince each other we agree to differ and to let the matter stand over. But for once, we have departed from that most salutary principle, which I consider fundamental to the whole Empire and we passed that resolution by majority. I had to stand out but that has made things worse in South Africa. South Africa now certainly sees that she has to stand to her guns much more resolutely than she would have done otherwise. I think we made a mistake in 1921 and that is why I suggested the other alternative consideration of this subject. Dr. Saprú said I was subtle, that my memorandum was a subtle one. I am not subtle and my memorandum I thought was a truism. All I said was this. There is one British citizenship over the whole Empire and there should be.

That is something solid and enduring but we must not place wrong interpretation upon that. We must not derive from the one British citizenship the rights of franchise, because that would be a profound mistake. The attitude has been that franchise does not depend upon British citizenship. It is only in India this position is not understood. Indians go to the length of deriving from their British citizenship the further notion of equal franchise rights too and they claim they may go from India to any other part and enjoy the same franchise rights as other portions of the Empire. I think that is wrong not only as regards India but as regards

every part of the Empire. I do not think that an Australian, for instance, should come to South Africa and claim franchise there as a matter of course. He is a British subject and in that footing we are equal in the eye of law but when it comes to the exercise of political franchise rights I think there is a great difference and distinction and we should recognise that. And where a distinction is carried into actual practice, as it is in South Africa, it should not be looked upon as an indignity, as reflection on the citizens of any Dominion including India who come to us and who do not get those rights. That is really all I wish to say about this matter.

### "A DOMESTIC QUESTION."

I noticed in Dr. Sapru's statement a remark which almost looked like a threat—that if India fails in forcing on us the view which she holds so strongly, then she may be compelled to make of it a question of foreign policy. Well I would say this, you cannot have it both ways. As long as it is a matter of what are the rights of a British subject it is not a matter of foreign policy. It is a matter entirely domestic to the British Empire. If it becomes a question of foreign policy then Indians cannot claim on the ground of their British citizenship any more the recognition of any particular right. Once they appeal to a tribunal, whether it be the League of Nations or whether it be outside the British Empire, they can no longer use as an argument the common British citizenship.

I want to keep it there. I want it to be recognised that you must not derive from that citizenship claims you cannot uphold. Let me just say this in regard to what fell from the Maharaja of Alwar. He said that if we do not invite him he will invite himself.

Maharaja of Alwar: "I did not quite say that."

General Smuts: "Let me say this Maharaja. Nobody would be more welcome in South Africa than you would and I would welcome nothing more than that you should come as a great representative of India to look into the conditions in South Africa yourself, convince yourself of the situation there and convince yourself also that apart from the far-reaching political difficulties we have, our fundamental attitude towards our Indian fellow citizens is one of justice and fairplay. I do not think our Indian fellow subject in South Africa can complain of injustice. It is just the opposite. They have prospered exceedingly in South Africa. People who have come there as coolies, people who have come there as members of the depressed classes in India have prospered. Their children have been to school. They have been educated and their children and grand-children to-day are many of them men of great wealth.

### MR. ANDREWS' VIEWS.

I noticed the other day Mr. C. F. Andrews who is a great friend of the Indian cause in South Africa publicly advise the Indians in South Africa not to go back to India. The Government of South Africa actually pay for their tickets, give them pocket-money and other inducements in

order voluntarily to return to India and thousands avail themselves of that policy and return to India. That gentleman who is a great protagonist of the Indian cause has publically advised Indians not to fall in with that policy. He says 'You will be worse off in India'. I quote this to show that there is no unfairness, no injustice to our fellow citizens in India but when they come forward and make claims which politically we cannot possibly recognise our attitude of friendliness will worsen and the position as regards them will become very difficult and complicated.'

### "UP AGAINST A STONE WALL."

Maharaja of Alwar:—"I should just like to get my mind little more clear on one point and that is with regard to the settlers in Natal who have built their houses, invested their money and spent their lives there. What would you propose about them?"

General Smuts:—"They have all the rights barring the rights of voting for Parliament and the Provincial councils that any white citizen in South Africa has. Our law draws no distinction whatever. It is only political rights that are in question. There, as I explained to you, we are up against a stone wall and we cannot get over it."

### DR. SAPRU'S REPLY

Dr. Sapru said "Mr. Prime Minister, I must tell you and through you your colleagues in His Majesty's Government and the Dominion Prime Ministers that I could not have hoped to have had a better hearing here. Therefore my thanks are due to one and all of you even though it may not be that I see eye to eye with you in some of your remarks.

I will first of all refer to the speech delivered this morning by his Grace the Duke of Devonshire. I listened with deep interest to his speech and let me express to him by thanks for the manner in which he has expressed sympathy with our general separations in this matter. His Grace was good enough to say he did not want to mislead India in regard to Kenya and therefore he spoke frankly. I hope His Grace will pardon me if I also desire to be equally frank in giving expression to our position. I did not expect at any moment during the last few days that I have been working over this question that I would go back with the Kenya decision reversed. That was not what I was aiming at. But I want to make it abundantly plain that I do not wish the substance of my proposition to be affected. Language of the resolution is a matter for settlement but it is of the very essence of that resolution that Kenya must come in. Secondly I want to explain that while His Grace has said His Majesty's Government are not prepared to accept the resolution in regard to Kenya my country will refuse to accept that decision as final. Thirdly, I will make it plain that the Committee I have proposed should in conferring with the Colonial Office have the widest scope. That is to say it must discuss not only the question affecting the other Colonies but also those relating to Kenya. Otherwise I do not see how you can possibly satisfy my countrymen.

## RESOLUTION OF 1921.

That is all I wanted to say with regard to the Committee and its dealings with the Colonial Office here. Well I will now pass on from the Duke of Devonshire and the Colonial Office to the Dominion Ministers. I have listened with very great interest to the speech of Mr. Mackenzie King and must thank him heartily for supporting me and accepting the substance of my proposal. There are just one or two words with regard to his speech I would like to say. He referred to his view or rather the construction put in his Parliament on the resolution of 1921 and he read out a passage from Mr. Meighen's speech. Now let me tell him that we are here sitting not as lawyers not are we sitting in a court of law. Our functions are quite different. I suppose we would claim that the functions of a statesman are very much higher than those of a lawyer although I myself happen to be associated with that noble profession. Now that resolution of 1921 I believe was not drafted by a conveyancing lawyer. It was probably drafted by some one of the statesmen around this table or by some one similar to a statesman and I would like you and your Parliaments to approach it from the point of view of a statesman.

## WON'T ANTICIPATE RESULTS.

I know that as a Prime Minister and as a party politician it may be safe to rely on certain phrases. But let me tell him that it would be a great mistake to dispose of those words—"It is desirable"—as not morally binding upon him. I do not care whether they are legally binding upon him or not. I am inspired by the hope and particularly by the manner in which Mr. King has spoken, that the result of the conference of the committee, which we propose to send to Canada with the committee going to be appointed there to consider the question of franchise cannot but lead to satisfactory results. I will not anticipate the verdict of the conference of the two committees which Mr. King has to a certain extent attempted to do. I will leave it entirely in the hands of the committee to come to their own conclusions and then will be the time for us to discuss how far we are in agreement or how far we are separated. But I recognize his spirit of support and sympathy with me and I appreciate that. I do thank you, Mr. Mackenzie King, for the spirit in which you have spoken this morning.

## APPEAL TO AUSTRALIA.

From Mr. Mackenzie King I shall pass on to Mr. Bruce and let me express my unreserved admiration for the manner in which he has spoken this morning and the tribute he has paid to my countrymen and our civilization. I note that he considers it unnecessary for my Government to send any committee to his country because he thinks the problem is such that it may be settled without any discussion.

Well that is encouraging to me, but I do venture to express a hope that if we do decide to send a committee just to place our case before him and his Government he will not refuse to accept that committee. We do

not want to send a committee to create any agitation in his country or for the matter of that any agitation in any country. But if it is necessary for us to explain our position to you and help you in the problem, for Heaven's sake do not refuse to accept a committee like that. We want simply to help you and if without receiving a committee from my Government and my country you can solve the problem so much the better for you and so much the better for us and so much the more creditable to you and your Government.

Well my thanks are also due to Mr. Massey. I hope Mr. Massey will recognise that in my speech on Wednesday I thanked him. I very much appreciate his reference to the services of India during the war and I do sincerely hope such grievances as there may be in his country will receive sympathetic treatment at his hands. I do hope he will accept the substance of my resolution. We wish to help him in every possible way. We do not want to harass him in his own country or in his Government.

#### A REMARKABLY ILLUSORY SPEECH.

Now from Mr. Massey I propose to pass to General Smuts. I am sorry to miss him here. But I will say he has never replied to the points I raised. He referred to my description of him as subtle. Well if he objects to that I will withdraw it but I will say that his present speech is remarkably illusory and evasive. I raised questions with regard to the specific grievances relating to residence, acquisition of land and trading licenses in his country and I find no expression of opinion upon these questions. He then said my resolution had nothing to do with him. It has primarily to do with him. I made it abundantly plain in the course of my speech that I did not make an appeal to him on the basis of resolution of 1921 but that my appeal was made to him independently of that resolution and that I wanted him to join hands with me in investigating facts and trying to devise some methods of solving this problem which he probably thinks insoluble but which does not appear to me insoluble. Again he referred to the Right Hon. Srinivasa Sastri and the prejudice he has caused. I have already said what I felt about Mr. Sastri and I do not want to say any more. If Mr. Sastri's fault was that he pleaded for his countrymen in the Dominions then it is a fault which can reasonably be found with 320 millions of his countrymen.

#### QUESTION OF CITIZENSHIP.

Now I will come to one particular portion of his speech which struck me as based on an entire misconception, legal and constitutional. That is the question of citizenship. He said India was the only country which probably claimed all political rights merely from the fact that Indians were British citizens. Let me warn him that India is not the only country which holds that view. There are other countries which hold those views. Well he absolutely confuses territorial law with personal law. In other words his position really is this: That if in my own country I did not enjoy the full rights of citizenship when I go to his country I must be under a disability. I will put to General Smuts what would have happened if an Irishman, before the new constitution came into force, had gone

from Ireland and settled down in Natal or any other part there and was told "Because you are not a free nation within your own borders you dare not claim those rights although you are qualified, according to our franchise law to claim them.

#### AN ESSENTIAL CONFUSION.

There is an essential confusion in the position which General Smuts takes. Really the fact of the matter is this you cannot, according to the modern law of citizenship and according to the latest development of thought on this subject, have two kinds of citizenship in the same Empire, higher and a lower. When I go to your country and I do satisfy the requirements of the law of franchise you have no right to tell me that because I am an Indian subject of His Majesty I shall not be entitled to exercise my Parliamentary rights. Therein lies the whole position General Smuts has taken.

And with regard to the disability of the Indians in the purchase of townland and in respect of trade licenses and other thing General Smuts as I said before, had not a word to say in his speech this morning. Therefore the position remains this, that while I receive support, substantial and general, from His Majesty's Government and all the Dominion Prime Ministers I have received no support from General Smuts. On the contrary he has expressed the desire that the resolution of 1921 should be repealed. I hope for the reputation of this conference, for the great reputation of the Dominion Prime Ministers and for the reputation of His Majesty's Government nothing of the kind will be done and that though you may tell my countrymen that the problem is undoubtedly a difficult one I request you also to say you are trying to discover means of solving it. If you will do that you will change our attitude with regard to the great Imperial questions.

#### WHAT MR. ANDREWS MEANT.

There is only one more remark I will make with regard to General Smuts' speech. He referred to the desire for repatriation and the advice of Mr. C. F. Andrews. Let me tell you that if any one understands Mr. Andrews or knows him intimately I do. There are hundreds and thousands of my countrymen in South Africa who cannot even speak their mother tongue. They have settled there. Their fathers have settled there and it is very easy to understand how difficult they will find it to leave a land in which they and their fathers and grand-fathers have lived. It is for those reasons Mr. Andrews advised and it is for those reasons I should advise them not to leave that country but fight their battles until their position was recognised some day or other as that of equal citizens.

General Smuts said that a British subject I could not claim that this problem would pass from the stage of a domestic problem to that of a foreign problem. He misunderstood me. It is not difficult to foresee the stage being reached when even the Government of India, whom he has attacked over its attitude in regard to Kenya but which I must admire

for the very same attitude which it did take, may find it necessary to appeal to His Majesty's Government and say that one part of the Empire is standing against the other and it is for you and His Majesty's Government now to treat this problem inside your own commonwealth as you would deal with a problem of foreign policy. That is what I meant and I do anticipate a stage like that being reached at no distant date in so far as the relations of India with South Africa are concerned.

### SELF-GOVERNMENT FOR INDIA

Lastly I will pass on to what my friend Mr. Desmond Fitzgerald said. No one would be more happy or contented than myself if he could help me to get self-government for India to-day. But that is a matter between us and His Majesty's Government. I see no reason however, why until we get complete self-government in India, we should be treated on a lower footing in King George's Empire outside India. We have a strong sentiment on that point and there can be no weakening in that sentiment so far as I am concerned and so far as my fellowcountrymen are concerned. There is no one who believes more strongly than I do or is working harder than I to win self-government for India and God willing, I do hope to win it notwithstanding any doubts that may be entertained by the members of His Majesty's Government. But I will not allow those considerations to affect my position in regard to the status of Indians overseas. Suppose we get Dominion self-government to-morrow in India the problem will still have to be faced. Therefore let us not mix up the two. I should be very glad indeed if the Conference would endorse a resolution in favour of self-government. But I want them to endorse resolution also in regard to the Indians and their position overseas.

I must also thank Mr. Warren for the support he has given me.

### NO TINKERING WITH SUBSTANCE.

Only one word remains for me to say. When I moved that resolution I perhaps did not make it quite clear that I was moving it. I merely said 'My resolution is as follows'. I wish the Conference to understand that I definitely moved that resolution. I have already said I am open to argument with regard to the phraseology of it so long as the substance remains and so long as Kenya finds a place therein. That is a matter which lies between me and the Colonial Office and could be sent up to you later on. But I do wish to move that resolution and I beg your support. At any rate I am entitled to ask for the support of the general idea embodied in that resolution. I do wish it to be understood that as far as I am concerned I stand by the resolution of 1921 and by the principle of equality. I do not wish to put any larger interpretation on the resolution than is justified or just. But do not let me give you the impression that there is any weakening on my part so far as the resolution of 1921 is concerned or so far as the supplementary resolution, which I had the honour to put before you on Wednesday last is concerned. I thank you Mr. Prime Minister and all the other Prince Ministers."



## SIR T. B. SAPRU'S FINAL WORD.

Sir Tej Bahadur Sapru said: "Before the Conference leaves this very important subject. I desire to take up just two minutes of your time in making my own position quite clear. I am completely satisfied with the kindness of my colleagues from the Dominions. I am sure that Indians throughout the Empire will derive new hopes and encouragement from their attitude. This, of course, does not apply to South Africa regarding which country I had my say on Monday last. As regards the Colonial Office, I am very glad to notice that the Committee to be appointed as I suggested, is not to be restricted in scope to certain specified colonies. To me as an Indian, it is of course disappointing that the Duke of Devonshire speaking last Monday saw no prospect of modifying the Kenya decisions which, as I have already made clear, can never be accepted in India, but his agreement with the principle of my scheme and consent to give careful attention to such representations as the committee may lay before him, inspires me with the hope that the door is not barred and that the Colonial Office may be shown the way to an acceptable solution. I shall recommend those with whom I have any influence both in India and elsewhere, to work through this committee to obtain amelioration of such conditions as they and every Indian regard as incompatible with our national dignity and with our position as equal subjects in the Empire of our common Sovereign.

## RESOLUTION NOT PRESSED

May I here just also refer to the expression of opinion made by Viscount Peel to-day with regard to the resolution that I intended to move on the last occasion. I thoroughly appreciate the advice that has been given to me to-day by Viscount Peel. I have noted with great pleasure the spirit of cordiality shown by my colleagues from all over the Empire except General Smuts. I take their speeches as very encouraging and I note that what I wanted really has been achieved, namely that they recognize the character of the resolution of 1921, that they have given me a hope that they would do something material to achieve the end we have in view, namely the accomplishment of the principle of equality. Most of them have accepted my suggestions about committees. Mr. Bruce thinks he can do without the committee. As I said on a former occasion, so much more honourable and creditable to him and to his country. It is because, I have this support from the Dominion Prime Minister excepting one against, it is unnecessary for me to move any resolution formally.

Lastly will you allow me to say one word about Viscount Peel. Throughout the anxious days I have had to spend upon this question within the last two weeks, I received nothing but unreserved support and encouragement from him and I am sure that when my countrymen come to know how strongly he stood by me, they will realise that not only the Government of India and the great statesman who presides over that country have identified themselves with our national sentiment, but that the Secretary of State also has done the same. May I thank you Sir, on behalf of myself and those whom I represent.

## NO COLOUR PREJUDICE

Viscount Peel said:—I desire to thank most sincerely the members of the Conference, for the very cordial and sympathetic way in which they have received our proposals about the position of Indians in the Empire. I thank them also for the high place they have assigned to this question among the Empire problems. I thank them for the complete grasp they have displayed of this difficult business, not as an isolated or a local or an Indian question, but in its Imperial aspect, and am grateful to them for the complete frankness and fulness with which they have explained the views of those they represent. In opening this discussion, I explained that the intensity of feeling aroused in India was due to the opinion widely held there that the disabilities of Indians were based on the distinction of colour and were badges of racial inferiority. I did not associate myself with that view. I believed it to be a mistaken course. This discussion has shown I was amply justified. Any impartial person reviewing the statements made will find it impossible to prove that any general ban is maintained against the Indians in the Empire or that throughout the Empire they are placed in an inferior status, or again that such disabilities as they may suffer from, are based on colour or racial grounds.

The Duke of Devonshire has shown that in the West Indian colonies, British Guiana, Jamaica and Trinidad, Indians enjoy the same rights as other British subjects. The same I believe, is true in Ceylon and Mauritius. Mr. Mackenzie King has told us that in eight out of the nine provinces in Canada, Indians enjoy the full rights of citizenship. If in one province there are exceptions to the general rule, these exceptions are based not on colour distinction, but on the rather complicated social and political consideration. Mr. Bruce has told us that the representatives of every shade of political thought in Australia have shown sympathy with the claim that lawfully domiciled Indians should enjoy full citizen rights. He believes Australian public opinion is ready to welcome as far as the position of domiciled Indians is concerned any measure which is conceived in the interests of the Empire as a whole. General Smuts said "It is not a question of colour. It is a different question. It is a case of a small civilisation, a small community finding itself in danger of being overwhelmed by a much older and powerful civilisation. It is the economic competition from people who have entirely different standards and view points view points from ourselves."

## ALLAYING SUSPICIONS AND DOUBTS.

The same sentiments have been expressed by representatives of other Dominions notably Mr. Massey. These opinions are so remarkably similar in tone that this great body of Empire statesmen must surely bring conviction and comfort to any Indian whose feelings may have been injured or whose sense of dignity has been impaired by the country view. Let their suspicions and doubts be allayed by these declarations of Empire leaders sent out to the world from this Conference.

Let me now consider whether any action should be taken on the definite proposals placed before the Conference by our colleague Sir Tej Bahadur Sapru. He was not concerned, nor was the delegation concerned, so much with his concrete proposals as with the attitude that would be taken up by the Prime Ministers in their different Dominions on this subject. I consider the position of Indians within the Empire has been most notably advanced in this Conference. Mr. Bruce has stated that he thinks a further enquiry unnecessary, but that on his return to Australia he will consult his colleagues and see what action can be taken. Mr. Mackenzie King has reaffirmed his statement about the revision of the tion to come to Canada and to appoint a group to meet and confer with such a delegation. I rather gather however that passing this particular resolution might not necessarily assist in obtaining the result we desire.

### JUSTICE AND IMPERIAL UNITY

General Smuts I am afraid, will not be able to support the resolution. General Smuts it is true, did not support the resolution of 1921. I should like to say that I do not rest my case entirely on that resolution. If there had been no resolution of 1921, this problem would still be urgent and pressing. The resolution of 1921 stands, but I rest my case not merely a formula, but upon the broad equities of the case and an appeal for justice and Imperial unity. I am quite aware of the difficulties of South Africa, but I hope General Smuts when he returns, while alive to his own difficulties, will retain a vivid consciousness of our own. It has been said that the Empire Conference should be unanimous in its resolutions. I think if this resolution is pressed, some members might be disposed not to vote for it not because they do not sympathise with the end to be attained, but because they think this particular means either unnecessary or perhaps not desirable. Such a vote, therefore, might create a totally false impression in India of the real situation. I ask my friend Sir Tej Bahadur Sapru whether he might not consider it advisable not to press his resolution, but I am very anxious that it should be made quite plain in India what are the results that have been attained. I think it would be most valuable if a short note could be added to the report of the Conference showing clearly what are the practical results of this discussion and what India has gained.

Mr. Baldwin speaking at the Imperial Conference on the India question after the Dominion delegates had spoken and the Indian delegates had replied said: After what has been said on behalf of the Dominions and by the Duke of Devonshire on behalf of the British Government I have little to add. I should like first of all to read to the Conference a statement which has been drawn up as a result of the informal discussions since our last meeting. It sets out for inclusion in the records of the Conference the result of Sir Tej Bahadur Sapru's proposal as far as it relates to the Colonies and Protectorates.

The statement is as follows:—The Secretary of State for the Colonies on behalf of His Majesty's Government cordially accepted the proposal of Sir Tej Bahadur Sapru that there should be a full consultation and

discussion between the Secretary of State for the Colonies and a committee appointed by the Government of India upon all questions affecting British Indians domiciled in British Colonies and Protectorates and Mandated Territories. At the same time the Duke of Devonshire was careful to explain that before decisions were taken as a result of the discussion with the committee, consultations with the local Colonial Governments concerned and in some cases a local enquiry would be necessary. Further while welcoming the proposal the Duke of Devonshire reminded the Conference that His Majesty's Government recently had come to certain decisions as to Kenya which represented in their considered view the very best that could be done in all the circumstances. While he saw no prospect of these decisions being modified, he would give careful attention to such representations as the committee appointed by the Government of India might desire to make to him. Sir Tej Bahadur Sapru while taking note of the above statement of the Duke of Devonshire desired to make it plain that the recent Kenya decisions could not be accepted as final by the people of India.

#### GROWING SENSE OF PARTNERSHIP

I am glad to think that on this occasion we have been able to arrange for the speeches made at this table to be published. This constitutes a departure from the procedure at the 1921 Conference when only the resolution which has been quoted here more than once was made public. We shall, of course, include a brief summary of the proceedings when a report on the work of the Conference comes to be prepared. I hope the Indian delegation will feel, as I feel, that the discussions we have had on this subject have been most helpful and encouraging. There has not merely been goodwill and an earnest attempt to meet India's wishes as far as the varying political and economic circumstances in the different parts of the Empire permit, but we can record quite definite results. These are due to the growing sense of partnership among all the many peoples and races who owe common allegiance to the Crown. It is this sense, of partnership which I should like to stress. India's value to the Empire and the Empire's value to India are becoming every day more clearly seen. The British Commonwealth of Nations rests upon a narrow basis. It is the greatest association known to the world of many races bound together ever more intimately by common interests and a mutual desire to help each other. Here at this conference we can with full freedom learn each other's problems, each other's points of view, and India can, I am sure feel that the magnitude of her share in our common partnership and of her contribution to the common weal is being realised in an increasing measure. I am confident that the members of the Conference who have spoken for India will feel both from the manner in which their representations have been received and from actual results achieved, that mutual goodwill can and does help each and all of us to solve our common problems. I think the Conference as a whole can congratulate itself on what has been effected."

On November 1st 1923 Sir Tej Bahadur Sapru was interviewed by Reuter in London with reference to the result of the Indian debate at the

Imperial Conference Dr. Sapru said he had four issues to deal with— firstly relating to the position of Indians overseas on the basis of the resolution of 1921 which practically no effect had been given hitherto in the Dominions which were a party thereto; secondly the position of Indians in South Africa; thirdly the position of Indians in the Crown Colonies generally; and fourthly the position erected by the Kenya decision. Notwithstanding doubts were entertained in certain high quarters, declared Dr. Sapru, regarding the wisdom of raising a debate on the resolution of 1921, he was clear in his own mind that the position required discussion. ‘I dealt with the entire question in the opening speech and received a very patient and very courteous hearing in the Conference. The atmosphere was decidedly one of sympathy.’

### DEFINITE CONSTRUCTIVE PROPOSAL

When the debate was resumed on 29th October, I received a unanimous support of the Dominion Premiers except General Smuts. Their speeches made abundantly clear that they had felt themselves bound by the resolution of 1921. I put a definite constructive proposal that the Dominions concerned should appoint local Committees within their territories which would confer with the Committee appointed by the Government of India with the object of seeing how best and how soon effect could be given to the resolution of 1921. I received a support therein from everyone except General Smuts. It is only fair to add that Mr. Bruce thought such a Committee was unnecessary in Australia, because he proposed to give effect to Indian aspirations with the support of his Parliament. So that as far as Canada, Australia and New Zealand are concerned, I claim the objects has been achieved.

### SOUTH AFRICAN SITUATION

I do not doubt that Committee will be appointed in these Dominions and the Government of India, and I feel that Committees should be able to arrive at conclusions which will be acceptable to my countrymen. As regards the second issue I had repeated interviews with General Smuts. He flatly refused to accept the resolution of 1921 or even join hands independently of the resolution in exploring the avenues for the amelioration of the Indian situation in South Africa. In the speech at the Conference, as will be seen from the report of proceedings he was absolutely inflexible. In effect General Smuts pressed for the repeal of the resolution of 1921, but received no support either from his Dominion colleagues or from His Majesty's Government. His whole conception of the citizenship of the British subject in the Dominions was so radically opposed to mine that there can be no common ground between him and me. All I can say is his attitude will bring peace neither to his country nor to mine.

I confess I failed with General Smuts, but he stands isolated in this respect from the rest of the Dominions. In India we shall have to take concerted action as regards the vindication of our rights in South Africa. I am communicating my view making a definite suggestion by H. E. the Viceroy.

### DIRECT CONFERENCE WITH COLONIAL OFFICE

As regards the third issue; I think I have succeeded because His Majesty's Government accepted the suggestion for the Indian Committee conferring directly with the Colonial Office with the object of applying the principle of equality embodied in the resolution of 1921. I expect the result of the work of the committees will prove satisfactory. Besides it secures to India a considerable constitutional advance since it enable the Government of India to deal directly with the Colonial Office.

### KENYA DECISION

As regards the fourth issue regarding Kenya, whilst I had no hope of getting an immediate reversal of the Kenya decisions I am gratified at the result achieved and do not wish to over-estimated it, but it should be properly understood. It is true the Duke of Devonshire said he sees no prospect of the Kenya decisions being revised, but he must not have forgotten that he at least agreed to include them within the scope of the suggested committee and definitely promised to give his careful attention to any representation the committee might desire to make. Statesmen are not infallible, and Governments are not immortal. There is no such thing as *res judicata* in politics. I consider the position represents distinct advance, in so far as the door which seemed barred against us has been opened to the extent that the Colonial Office is bound to pay careful attention to our representations on the subject. In other words, way is paved for the reconsideration of the question. Besides it must be distinctly borne in mind that my protest on behalf of the Indian people against the Kenya decision being considered final, has been formally registered in the formula announced by Mr. Baldwin.

### HIGHEST STANDARD OF CITIZENSHIP

I accepted for my countrymen throughout the Empire nothing lower than the highest standard of citizenship. The result achieved is due to the long series of negotiations. I have no hesitation in saying that if I had received a reply that the door was bolted against us as far as Kenya is concerned, I should have considered it my duty to withdraw from the Conference in the interest of my country's honour. Concluding Dr. Sapru paid a tribute to the very valuable support he had received from distinguished British statesmen and well-known friends of India and also his own countrymen with whom he had been in constant touch.

A Bangalore message says Right Hon'ble Srinivas Sastri has this morning cabled to Dr. Sapru:—

“Kenya lost:—everything is lost. Reject second class citizenship in India's name.”

### MR. SRINIVASA SASTRI'S STATEMENT.

On November 28, 1923 Rt. Hon. V. S. Srinivas Sastri requested by the Associated Press of India to make a statement regarding the Imperial Conference, said that he was very glad to have an opportunity to do so.

### VISIT TO CANADA RECALLED

Of the several reference made to me at the Imperial Conference in London there are two which may not be fully understood without a statement from me. I will deal first with the remark of Mr. Mackenzie King, Prime Minister of Canada, casting doubt on the helpfulness to the Indian cause of my recent visit to that country. These are his words: "I say for the reason that I am not so sure that Mr. Sastri's visit made it easier for me to deal with this problem. I would put it this way. Mr. Sastri's visit helped to direct the attention of the country to something which, I imagine the greater part of the country knew nothing about. Once however, Mr. Sastri began delivering speeches labour councils from one end of the country to the other began to receive communications from labour organisations of British Columbia asking them to take care to see such standards as labour had now in British Columbia are maintained." Mr. King had foreseen this sort of result from my public speaking even before I landed in Canada. Once while I was still in Melbourne and another time as soon as I landed in Victoria, I was advised that I should avoid public speaking in his Dominion. After, anxious thought I resolved to pursue the course which I had pursued in Australia and New Zealand and make an appeal to the electorates themselves on behalf of Indians. On Mr. King's own testimony I was not unsuccessful, seeing that people 'from one end of the country to the other' were made aware of the disability under which their Indian fellow-citizens have always laboured but of which they were till then ignorant.

### INTERESTED ADVICE

Ventilation is the first step towards redress of a political grievance. Mr. King's attitude, however is quite intelligible; it is not every Government which welcomes a movement for the rectification of a public wrong. The authorities think first and foremost of the embarrassment that may be caused to themselves and of other things only afterwards if at all. But political agitators must remember that no omelette was ever made without breaking some beautiful little eggs and that, as a South Indian proverb says, mere Mantras did not bring down mangoes at any time. Besides, if acting on Mr. King's advice, I had observed the rule silence, India would have found it difficult to understand the situation and, to compare small things with great, an international or rather inter-dominion incident would have been created which would have given my Dominion tour of 1922 a character quite different from that which it now bears may I say not unhappily as might be.

### GENERAL SMUTS' TACTICS EXPOSED

Mr. King's half-hearted complaint was seized upon for his own purpose by that master of political and diplomatic strategy who spoke for the Union of South Africa. I will quote the relevant passage from his speech:—'So far as I can judge, the atmosphere has become really worse in the last two years for a resolution of this question. In South Africa undoubtedly, it has become worse. That is due partly to the

visit of Mr. Sastri and his speeches in various parts of the Empire, to which I do not wish to refer with any particularity. The Prime Minister of Canada has said what the effect of the visit has been in Canada, and in South Africa it has undoubtedly emphasised the difficulties that existed before. That was one of the reasons why I thought it might not be wise for Mr. Sastri to come to South Africa. Our difficulties are great enough as they are.' It was at the end of the 1921 Conference when the delegates were taking leave of one another that General Smuts warned me not to go to South Africa until he should tell me the time was ripe. I thought at the time it meant never and I wondered too, how he of all people could suspect the possibility of my visiting South Africa, which by his own emphatic action had been carefully excluded from the scope of the now famous resolution. The explanation was that during our discussion a somewhat unpleasant exchange of recollections had taken place regarding the visit of mine to South Africa which had been contemplated the previous year but had not come off. Lord Chelmsford's Government had proposed in 1920 that I should proceed along with Sir Benjamin Robertson to watch the Indian case before the Solomon Commission of enquiry, which had just been appointed. The Government of General Smuts would at first have none of me, but as my name was pressed by our Government they stipulated that I should be warned that I should be treated only as Sir Benjamin's social inferior. In answer to further enquiry they explained that owing to the activity of the Anti-Asiatic League, feeling against the Indians was running high, that it might not be possible to find me suitable hotel accommodation, that I might be subject to indignities and that if I accepted social inferiority from the start I should have no right afterwards to complain of the unequal treatment. Our Government protested against this extraordinary proposal and succeeded finally in getting my name accepted, but not without an expression of regret on the part of the Union Government that owing to my association it would not be possible to extend to Sir Benjamin Robertson all the courtesies and hospitalities to which a representative of the Government of India was entitled. I was by no means eager to drag down Sir Benjamin to the black man's level nor did I consider it wise for one who was to plead for equality of his countrymen with other subjects of his Majesty to begin by admitting his own inferiority. In the end I felt constrained to decline in the circumstances to proceed to South Africa as the Government's representative. My decision at that time brought hard words on me from critics in India and several expressions of natural disappointment from our countrymen in South Africa. But the entire correspondence between the two Governments had unfortunately been by means of secret cables, which I could not then divulge for exculpating myself. What however was my surprise when General Smuts disclaimed responsibility for it in 1921?

How could a constitutional Governor-General, I wondered raised a tremendous difficulty of that kind without the knowledge of his Prime Minister. I tried to probe the matter further, but succeeded only in discovering that there were other things than the partition of Bengal of which no one was desirous of accepting the paternity. All the



information that has since come to my knowledge regarding Sir Benjamin's deputation in 1920 goes only to vindicate my judgment in refusing to join it on an inferior status. Let us indulge the hope, however faint that the exchange of invitations and offers of hospitality between the Maharaja of Alwar and General Smuts may herald a fall of the barrier which now baffles all the diplomatic skill of the India Office and the Government of India.

### ISOLATION OF SOUTH AFRICA

General Smuts has other remarks about me. I am thankful and proud that Sir Tej Bahadur Sapru associated himself and also, in fact millions of India, with my demand of equality with any class of his Majesty's subjects within the Empire. The people of South Africa, except the Cape, are unable to tolerate even the mention of that demand, Their constitution and their traditional belief alike forbids it. A shrewd English friend in whose rounded experience as well as sturdy Liberalism I have the utmost faith once observed that the question of Indians in South Africa was simply insoluble. All that can be hoped for is the complete isolation of that Dominion. The Cabinet of Great Britain incurred a serious responsibility in permitting the Boer ideals to travel beyond the borders of the Union. Till Kenya and the whole of British Africa, excepting an intractable patch where the only choice is between General Hertzog and General Smuts, are completely emancipated from the colour prejudice which threatens the very conception of human brotherhood and hangs like a black cloud over the future of the race, it is impossible for Indians, or indeed for any non-white races to feel safe within the British Empire. Sir Tej Bahadur has devised, and the Imperial Conference has blessed, the means of accentuating the isolation of South Africa. I am not prepared—how can he—to say that it will succeed, but I hope with all my heart that it will. Having supported him, we are now bound to try the plan with all our skill and vigour. This does not mean that we should relax any of the efforts which non-official opinion has, by general consensus resolved to make in order to bring home our undeniable rights to the Imperial authorities in London. We cannot afford to do so till we see a tangible proof that the Kenya wrong will be righted.

On one point there could be no doubt. Sir Tej Bahadur has rendered a service for which he is entitled to the admiration, gratitude and love of all sections of his countrymen. Nor can we withhold from Lord Peel the need of appreciation which he has richly earned. It is a pity, but truth requires, that one should qualify the appreciation by the remark that the Secretary of State's gallant stands is somewhat belated. Lord Reading's Government have crowned their sustained and brave advocacy of the Indian cause by the complete confidence and support which they have apparently extended to their accredited representatives during these difficult negotiations.

## THE HARDENING OF THE COLOUR LINE.

BY C. F. ANDREWS

(Special to "The Indian Daily Mail.")

The idea appears to have got abroad that owing to the favourable speeches at the Imperial Conference and the professions of equality on the part many of the Dominion Premier, the colour line has at last been made somewhat less sharp and defined. The dog it has been said, has now been very slightly opened and it only means a gentle push to get it still further ajar.

### COLOUR LINE DRAWN CLOSER

I am afraid, that my own reading of the situation is not so optimistic. It seems to me, rather that the colour line itself is being drawn harder and darker. This is certainly true of South Africa. The protestations of the other Dominions do not really count at all. For they have carefully avoided the colour problem by adopting the selfish policy of the dog in the manger and shutting the manger from all outside intrusion. It is so easy to have no colour prejudice, when you have shut out every one except 'white' people!

### AUSTRALIA.

Let us consider for a moment what the White Australia, or White Canada policy really implies. The area of Australia is larger than the whole of India including the Indian States. The population is only a little over 2 to the square mile. There is one huge area, of over 300,000 square miles in the Northern Territory, consisting of fertile well-watered tropical land which is practically unoccupied. It is entirely unsuited for a white population. Australia has now been in British possession and an integral part of the British Empire for over 100 years. In all that time, there have never been more than a handful of white settlers in all that vast territory. Close at hand across the sea, is India with 320,000,000 inhabitants, about whom the Australian Premier said truly, that they had a civilisation in certain respects superior to that of the west. Yet not a soul from India is allowed to land in all that North-West Territory in spite of the fact that the climate is tropical and unsuited for the white race. If you ask the question, "Why?"—you are told, that this is a part of the 'White' Australia policy"—you are told that race mixture is an evil, and every Australian man and woman is determined to keep Australia 'White.'

It is difficult to understand how this is not drawing the colour line. But the Premier of Australia says, that there is no colour bar in Australia. He really means that there is no colour bar within Australia itself, because all coloured people are barred.

A few days ago, I saw a leading article in an Australian paper advocating the importation of Italians into this North-west Territory. The Editor said, that unless they imported European from the warmer climates of Europe, it would be impossible to keep out Asiatics. Exactly the same point was raised with regard to the Kenya Highlands. Out of the 12,000 square miles of territory, confiscated from the Africans, only about 15 per cent. is in occupation and only 1,800 Europeans have settled there as

farmers. It had quite recently been suggested, that Italian and Greek colonisation should be encouraged. But not a foot of land must be field by Asiatics. Yet we are told in effusive terms by all the Dominions Premiers including General Smuts, that this is not a racial question.

### A FEW MORE FACTS.

#### CANADA

To give a few more facts, the vast territory of the Dominions of Canada is hardly less thickly populated than the Australian contingent. Its size is even greater. One of the largest provinces in Canada is called British Columbia, where the climate is mild and the land extremely fertile. The Sikhs from the Punjab found it in every way congenial both for their health and for their active work as agriculturists. But when their numbers had reached 12,000 the white people rose up against them. Rioting and lynching began, and the white labourers violently objected against their presence. In the end, such stringent laws were passed, that not another Punjabi was able to land. In a few years' time the Indian population had diminished to a few hundred. It is now a vanishing quantity. Here again in Western Canada, Greeks and Italians from Southern Europe are allowed to enter, but Asiatics are practically excluded. Yet we are told again and again that there is no colour bar. The Premier of the Dominion of Canada solemnly stated at the Imperial Conference, that there was no racial question in Canada at all, and that in 8 out of the 9 provinces of Canada the Indian from India had the vote. An interesting sidelight was thrown upon the generosity of these 8 Canadian provinces towards Indians, in thus giving them so freely the vote, when Mr. Mackenzie King acknowledged in another part of his speech that practically the whole Indian population of twelve hundred souls resided in the western province of British Columbia, which did not give Indians the vote. It is so easy to give Indians the franchise, when you have no Indians living in your province!

#### NEW ZEALAND'S CASE

The case of New Zealand is hardly less outrageous from the Indian point of view than that of these other provinces. Mr. Massey prided himself upon the perfect equality of status given to Indians in New Zealand. But when Lord Peel explained, that there were 6,000 Indians in New Zealand, Mr. Massey did not correct him and say that there were only 600. He did not also tell his audience, that, when the number appeared to be likely to go over 600, the most violent agitation was raised by the whites. Indians were assaulted and badly treated and a stringent Immigration Act was passed, by which Indians are now for all practical purposes, excluded altogether from New Zealand. Yet we are told, that there is no racial feeling in New Zealand and no colour bar at all.

#### PUTTING TO THE TEST.

Let us put these impossibly outrageous statements of all these impossible Premiers to the test. There have been large advertisements published in leading newspapers printed in India,—the "Statesman," the

"Pioneer," etc.,—"pointing out the extreme desirability of Tasmania New Zealand, British Columbia Western Australia, for immigration." The different Governments offer land almost free of charge, along with reduced passage rates and every other possible advantage. These large advertisements have been published day after day. Let the Maharaja of Alwar apply for a piece of land from his friends, the Dominions Premiers, and say that he wished for it not as a Maharaja but as one, who is proud to be an Indian. Then in two minutes, he will see their faces changed and perplexed. They will say to him,—Er-ahem—my dear Maharaja you mustn't take it amiss. There is no slight intended. There is no colour bar. It is only an economic question. We should be delighted to oblige you. But—er—but, my dear Maharaja, you and we know perfectly well, that it would be impossible. There would be riots among the white settlers. They would say that it was the thin end of the wedge and that it was against the white Australia policy. Of course, if, as a Maharaja, you wished us to make a special exception in your case, as we did with Ranjitsingh, we might oblige you; and I could explain the matter privately to our Labour Party then, for the good of the Empire, they might not kick up a row,—and raise a riot. But if you ask it as an Indian, and as a precedent for the Indians to follow, well—er—you know, my dear Maharaja, we must draw the line somewhere; and I implore you don't put us under the necessity of drawing it against you!"

I can quite picture such an imaginary conversation going on, and General Smuts would be a past master at such diplomacy, in spite of his bluntness for the moment at the Imperial Conference which was so refreshing by way of contrast with the other speeches.

### THE TRUTH OF IT.

The truth is that the whole of this talk about there being no racial question and no colour prejudice and no special objection to Indians as such is all of it (or nearly all of it) pure humbug and hypocrisy. The colour bar is there. What does that big phrase 'White Australia' mean except the colour bar. The racial stigma is there. Otherwise why is the line drawn against Asiatics absolutely and finally and without exception?

It matters not how educated an Indian may be. It matters not how desirable a gentleman he may be. It matters not that an Indian lady is in her manner and dress and taste so complicitly refined and delicate and gentle. It matters not whether an Indian is a Christian or not a Christian. As long as he is an "Indian" he is not allowed to enter these territories as a resident. He may visit them, after paying bonds and securities but he may not reside.

### FACING THE FACTS.

Let us get aside from these equivocating speeches for a moment at least and face and hard facts. There is no disinterested welcome to Indians anywhere throughout the colonies and Dominions. There is no mutual sharing of a common life. Rather there is a profound dislike of Indians by the White Race in the Colonies wherever they are brought into close contact

and juxtaposition. From all the self-governing Dominions Indians as a race—just because they are Indians and not Europeans—are excluded as residents. The Dominions are markedly and pointedly sending invitation at the present time to Englishmen who have spent their lives in India, as desirable colonists and citizens; but if any of these Englishman would be taking, an Indian friend to reside with him he would not be able to do so. The Englishmen would be taken, the Indian left.

### WHITE RACE DOMINANT.

Everywhere throughout the British Empire the White Race is dominant. Everywhere the White Race has its own privileged position. Everywhere the members of the White Race can appeal for special privileges and legal sanctions. Everywhere the White Race has the absolute power of free immigration freely accorded, while the Indian is restricted. Side by side with the special position of privilege everywhere allowed to the White Race, the policy of racial segregation is being relentlessly carried out against the Indian.

To speak in these circumstances, of there being no colour bar and no colour prejudice, and no racial question, is only to add insult to injury. The climax was reached when General Smuts declared that the Indian question in Natal and the Transval was not a racial one at all, but purely economic.

### A STUDY OF GENERAL SMUTS

BY C. F. ANDREWS.

Special to "The Indian Daily Mail."

Has the colour bar been in the slightest degree removed by the assurances given in the speeches of all the Premiers, General Smuts included, at the Imperial Conference? After the most careful reading of them, many times over I can see no sign of it having shifted at all. General Smuts' own utterances in London was in direct contradiction to the speech he made at Maritzburg, just before he went to Europe. He uttered these words, which were exactly reported in the Natal Advertiser:—

"Mr. Sastri has been going about the British Empire criticising South Africa, I am not going to follow his example. All I can say with regard to the franchise is that we see no reason to make a distinction between Indians in this country and natives in this country. There is the colour line which is in existence to-day. Right or wrong, I do not argue about that, but it is a clearly marked line which you can follow. But once you cross that line, we see no reason why there should be any distinction between Indians and natives! And if Indians have the franchise, then I see no reason why it should not be given to the natives as well. We all know what the effect of that would be. And therefore I say that the only wise course in this matter of the franchise is to go very very carefully indeed. Three years ago, I took up that attitude, and you know that I stood aside from the representatives of the other parts of the Empire on that question.

"In British Columbia, there is an Indian population and they do not have the vote. The question was put to the Prime Minister of Canada whether he would give the vote to Indians in British Columbia, in spite of the opposition of the people of British Columbia, and the answer was that he would do nothing of the kind. He would never dream of such a thing. Well, gentlemen, I think we can only take that line here in South Africa." (Loud Applause).

### THE THREE MAIN ISSUES.

This was the peroration of a speech, which dealt with the Indian situation in Natal, where the colour line was being drawn against the Indians in every walk of life. There were three main issues, on which the Indians were being deprived of existing rights. These issues were: (i) Trade licenses (ii) Municipal franchise and (iii) Residential segregation. If the Natal Provincial Council is allowed to have its own way in these three matters, the Indians will be deprived not of any theoretical or abstract right of full political franchise, but of the simple human right to live and trade and have a share in municipal matters such as drainage and sanitation, for which they pay rates and taxes. Let us see how General Smuts deals with these three things, which are vital issues to the whole Indian community in Natal.

(i) Trade licenses—General Smuts said: "The licensing question has now been settled. I look upon it as out of the way. The people of Natal have with the concurrence of the Government, passed through their provincial council a law which finally disposes of this matter. . . . It will now be for the people of Natal to help themselves, They have now the power." That is to say, the Natal people have the power to take from Indians all their trade licenses if they so desire, and turn them out of their shops, by refusing to renew the licenses. Very soon this will be done.

(ii) Municipal franchise.—Here General Smuts advised the Natal Province to try first of all to cancel their Indian municipal rights by an appeal to the Supreme Court on a technical ground. If they are not able to take away from the Indians their municipal right in a Court of Law, he promises them every help to do the same thing by Government legislation. "I think," he said, "it is a case again where the people of Natal should help themselves. There is their own old law. See it right through to the Court of Appeal; and, if necessary, thereafter, come to the Union Government and the Union Parliament. I think that is the right line to take in regard to this question of municipal franchise."

(iii) Segregation.—Here I will quote, without comment, General Smuts' exact words! "There remains the much more thorny question of segregation. The Government have given this question a great deal of consideration. It is a very difficult one, and very contentions in its character, but still we have come to the conclusion that the position in Natal is developing in such a way that a substantial measure of segregation has become neces-

sary. I see no reason, if this question is fairly and justly dealt with, why the Indian population should object to it. Why should they wish to mix up with the whites."

### DEPRIVING INDIANS OF THEIR RIGHTS.

Thus we see, that, in this speech, which was the last general Smuts delivered before going to London for the Imperial Conference he placed absolutely in the hands of the people of Natal the power of depriving the Indian community of three of the most vital human rights, which still remained to them, and of driving them into a 'ghetto.' I have seen with my own eyes, what Indian 'segregation' means in Pretoria and Germiston, and I am in no way straining the use of language in calling this segregation by the word 'ghetto.'

I have to explain, that this speech was delivered before the South African Party Provincial Congress at Maritzburg. It was General Smuts' defence for not proceeding even more drastically and speedily with the Indian question. The nationalist party in opposition, under General Hertzog, would have demanded something much more strongly anti-Asiatic even though there is this utterance of General Smuts. The South African Party, under General Smuts, could not afford to be behindhand. There is a terrible unanimity in South Africa on the anti-Asiatic policy. There is no stick too big to use to beat the Indian with. The party which beats the Indian most severely gets the most popular support.

### MAKING THE POSITION CLEAR.

Let me recapitulate for the sake of perfect clearness. General Smuts was dealing with the most bitterly racial legislation on the Indian question, which had ever been put forward in Natal. This Natal legislation took away from Indians practically all existing safeguards of trade, residence and land purchase, and deprived them of a very small municipal right which they had exercised before. This Natal legislation had come up before the South African Union Parliament for final ratification. The Union Parliament, with General Smuts as Premier, had ratified at once the new licensing restrictions. They advised Natal to get the Indian municipal rights rescinded by an appeal to a Court of Law. If the Court's decision went against them, General Smuts promised to push the measure through Parliament. Lastly General Smuts agreed to carry through, as quickly as possible, legislation which should segregate Indians, and place them in Indian locations. The members of the South African Party in Natal had threatened revolt if General Smuts refused to guarantee any of these three irreducible minimum demands. General Smuts gave the required guarantee, and we read that at the end of the proceedings, the Natal South African Party expressed themselves satisfied and passed unanimously a vote of confidence in General Smuts. It must be very carefully remembered that the General's peroration about the 'colour line' which I have quoted, covered not only the theoretical question of the full political franchise, which Mr. Sastri had raised in Canada, but was the climax of a long argument justifying the confiscation of almost every civilised human right which the Indian

community in Natal still possessed. The whole of General Smuts' argument might be summed up as follows: "Don't press me too hard. Don't ask me to go too fast. I am wholly with you. I have already ratified your anti-Indian trade licensing act. I can show you a clever way to deprive the Indians of their municipal rights by an appeal to our old Natal Law. If that is not successful I promise you another act of Parliament. I also promise you as soon as possible, an Indian Segregation Act. The only thing I ask in return is, that you will give me a vote of confidence. You may do so, because I am absolutely sound about the 'colour line'; I stood out for the colour line at the last Imperial Conference. Believe me I shall do the same again this time."

### TRUE TO HIS WORD.

General Smuts in the first part of his London speech was true to his word. He did do the same in London on October 26, 1923 as he did in 1921. He refused to join with the Dominions. He pointed out that in South Africa the smaller body of whites was "up against" over 6,000,000 African natives. They were holding the fort for 'white civilisation.' They were the champions of the 'white race.' All this first part of his speech at the Imperial Conference was true to the 'colour line' issue, put brutally and harshly. However much one detested the policy, it was possible to respect the speaker who was giving quite honestly the South African point of view. But it is impossible to respect what followed, when he began to flatter the Maharaja of Alwar (who was only too susceptible to flattery) and to pretend that the Indians in South Africa had no civil disabilities whatever, except the withholding of the right of the political franchise from them.

### MAHARAJA OF ALWAR HOODWINKED.

I would ask my readers very carefully to study the long extract from General Smuts' speech at the Imperial Conference which follows, and to compare it with his Maritzburg pledges. He said:—

"Let me say this, Maharaja. No one would be more welcome in South Africa than you would, and I would welcome nothing more than that you should come as a great representative of India to look into the conditions of South Africa for yourself, convince yourself of the situation there, and convince yourself also that, apart from far-reaching political difficulties, our fundamental attitude towards our Indian fellow citizens is one of justice and fair play. I do not think our Indian fellow subjects in South Africa can complain of injustice. It is just the opposite. They have prospered exceedingly in South Africa. . . . I noticed the other day, Mr. C. F. Andrews, who is a great friend of the Indian cause in South Africa, publicly advised Indians not to go back to India. . . . He says: *"You will be worse off in India."* I quote this to show that there is no injustice, no unfairness to our fellow citizens, but when they come forward and make claims, which politically we cannot possibly recognise, our attitude of friendliness will worsen, and the position regards them will become very difficult and complicated."



The Maharaja of Alwar: "I should just like to get my mind a little more clear on one point, and that is with regard to settlers in Natal, who have built their houses, invested their money and spent their lives there. What would you propose about them."

General Smuts: "*They have all the rights, barring the rights of voting for Parliament and the provincial councils that any white citizen in South Africa have. Our law draws no distinction whatever. It is only political rights that are in question. There as I explained to you, we are up against a stone wall and we cannot get over it.*"

It has been abundantly worth while to quote that last passage almost in full, and I would specially call attention to the sentences which I have underlined. We may be thankful to the Maharaja of Alwar for one thing at the Conference, namely, the question which he put at that critical point to General Smuts. It elicited an amazing answer! The very Premier, who had just carried through one anti-Asiatic Licensing Act and had promised an anti-Asiatic Segregation Act, declared: "Our law draws no distinction whatever." He declares also that, barring the political franchise, the "*Indians have all the rights that any white citizen in South Africa have.*"

#### A DOUBLE-FACED GAME

I have tried to show as clearly and distinctly as possible, that General Smuts in London has one face and General Smuts at Maritzburg has another. He has been preaching to the people of Europe the necessity of brotherhood, equality, freedom, and justice. Let him go back to Africa and practice what he preaches! He has posed, in Europe, as the champion of the smaller nations. There is a small nation in South Africa called the Indian community. Let him remember his words in Europe when he passes Acts of oppression against that.

BY C. F. ANDREWS.

Special to "The Indian Daily Mail."

To-day the policy of the dominant white race in Africa is to endeavour to bring into subjection and keep in a position of inferiority every coloured race, and then on one hand, to keep these races racially segregated, while, on the other hand, utilising them for cheap labour exploitation and the cheap accomplishment of the routine work in subordinate posts. It is with regard to the former factor—the factor of racial segregation—that this article deals.

#### LAW OF RETRIBUTION

There is a Law of Retribution working in this world, which in India has gone for ages past by the name of the Law of Karma. It is one of the most interesting studies in the history of mankind to see how this Law works with regard to any dominant race which endeavours to make itself off from human kind by a policy of racial segregation. For every known biological law and every lesson of past history warn us sternly and uner-

ringly that, whenever a subject race has been segregated and kept permanently in a dependent condition, it has always taken its retribution on the ruling race by multiplying faster in its misery, while the ruling race rapidly declines in numbers and at last disappears.

#### A BIBLICAL EXAMPLE.

The Biblical story in the Book of Genesis, of the multiplication of the Children of Israel, when they were in bondage in Egypt, is a typical instance. In vain Pharaoh King of Egypt, endeavoured to stop their growth as a people by forcible means. At last their numbers overflowed, and he was obliged to let them go. The cruel treatment of the Jews in Europe during the Middle Ages is another historical example of the same story. They multiplied in their ghettos beyond all counting. The subject race in its depression and misery invariably produces far more children than the aristocratic race. This has led in the past, to Jew baiting, massacres, and all other kinds of evil. But nothing can stop Nature's own laws of prolific multiplication among those who are depressed, and the comparative sterility of the luxurious.

#### RACE MULTIPLICATION.

There is one exception to this, which must not pass unnoticed—one of the greatest tragedies and mysteries of this hard world of man—I mean the extinction before the onset of civilization of the child races of mankind. In Australia and in America and in parts of Africa the cruelties of modern civilization have actually wiped out whole races by disease and vice and alcohol. Not a single member of the race has survived. But this is the exception. With the more hardy races, that are brought into subjection, the invariable rule is that they multiply faster than the conquering race. General Smuts and the White rulers of South Africa have found out the alarming fact that the Bantu race which is indigenous in Africa, is multiplying at a far greater rate than the white race itself, in spite of all its artificial props and supports owing to assisted immigration. The same fact is happening with regard to the Indian indentured population in Natal. The families both of the Tamil labourer and of the Zulu and Kaffir tribesmen are far more prolific than those of the White race. Faced with this biological problem, the white race has cagerly taken up the theory of racial segregation, not realising that this remedy will only increase the phenomenon of prolific race multiplication which they dread.

#### THE GALTON LECTURE AND ITS LESSON.

Dean Inge of Westminster was chosen a short time ago to deliver the Galton Lecture in London, as President of the Eugenic Society of Great Britain. He took for his subject, "The Future of the English Race," and dealt specially with South Africa. In that lecture, he carries out in detail the theory of this Law of Population, which I have mentioned, and writes as follows:—

"I know of no instance in History, in which a ruling race has not been ultimately ousted or absorbed by its own subjects."

The whole purport of the lecture is, that only by the intellectual 'leveling up' of the subject race which is kept in subjection can the birth-rate in the subject race be brought down from excess to normal. For it is a well-known fact, that the higher intellectual faculties of man, when keenly and strenuously exercised, tend to reduce the prolific birth-rate in any people.

"Dame Nature," says Dean Inge, "cares nothing for the babble of politicians and trade-union regulations. She says to us, what Plotinus, in a remarkable passage, makes her to say: "You should not ask questions, you should try to understand; I am not in the habit of talking."

"In Nature's School," continues the Dean, "it is a word and a blow, and the blow first."

The Galton Lecturer then makes an extraordinarily interesting survey of the white race in South Africa at the height of its pride and power to-day. He sees that pride and power disappearing. He shows us how this aristocratic white race, in segregating and depressing the blacks and other subject races, has been all the while digging its own grave. It has been fighting against Nature. Its has been defying Science. Meanwhile Nature holds all the best cards in her hands and she is certain to win the game in the end.

The Dean writes grimly, as he looks on at the game being played, with the aristocratic white race as its stake:—

"To the Eugenist, the prospects of the English race in South Africa are very dubious. The white man is there as an aristocratic race, directing semi-servile labour. This can hardly survive."

#### THE NEMESIS APPROACHING.

He sees inevitable Nemesis approaching step by step, with silent feet, to overtake in the end and submerge the white aristocratic race. Nature is never in a hurry, but she works out the problem unceasingly. The Dean of St. Paul's sees the tide of the subject races sweeping forward again, as it turns after its temporary ebb, like the flood of the great sea sweeping the shore. Meanwhile the birth rate of the conquerors perpetually declines. It is artificially kept up for a while by immigration, but in the end it is swept away. The end comes at last.

"Large tracts of South Africa" he states, "may at last be occupied only by Kaffirs.

#### PERSONAL EXPERIENCE.

I stayed once, along with Mahatma Gandhi, in an Indian location at Pretoria, where the Indians had been segregated and kept apart from the white race, for fear of contact. The picture that continually came to my

mind was that of a London slum in the East End of London. The parallel was exactly the same. There in the Indian location was the same prolific life. The streets and houses and vacant places swarmed with children. The squalor and depression were also prolific. I went back from thence to the European portion of Pretoria which belonged to the ruling white race. The whole scene was different, as the West End of London from the East End. There was one thing that I noticed immediately. "There were no children." There was no overcrowding of child life there! Nature had been performing her silent work of readjustment. She had made the conquering families sterile as compared with the conquered.

### DESTRUCTION OF THE WHITE RACE.

So we may believe that, in the end this arrogant policy of racial segregation which the white race is attempting to carry out against the Indian and the African everywhere in Africa, will turn back like the blade of a knife upon the hand that uses it as a weapon. The very attempt to preserve the 'white race' may end in bringing the white race to destruction. To quote the remarkable saying of Plotinus once again: "Nature is always teaching us silently and saying to us: "You should try to understand. I am not in the habit of talking."

### NATURE WINS IN THE END.

But we, on our side go on blindly, obstinately, stupidly persuading ourselves that we can overcome Nature herself. We refuse to listen to her admonitions. She can show us example after example from past history where race, or class, or caste, that has tried segregation, has ended in incredible mischief. Yet we in our blindness, never learn what Nature silently teaches.

Whenever anywhere whether in Africa or in India, we think of insulting our fellow men by treating them with permanent contempt, as unfit for our daily contact: whenever we regard them as bearable only at a distance,—in remote localities, or ghettos, or as untouchables,—then Nature sets to work silently and slowly, in order to carry out her rectifying processes. She increases the fertility of the depressed classes and makes sterile, or nearly sterile, the contemptuous oppressor. She demoralises with luxury the prosperous and the proud and goads to greater industry the outcaste and the despised.

The mills of God grind slowly, but they grind with exact repayment for every insult and injustice done by man to his fellow man.

BY C. F. ANDREWS.

Special To *The Indian Daily Mail*."

Before I left Bombay on November 10th in order to go to England in connexion with important questions affecting Indians abroad I had tentatively stated in various papers my first impressions of the Imperial Con-

ference decisions in London. I had pointed out that there had been an air of unreality about the debate which had only been lightened when General Smuts broke through the polite conventions and brought the imperial debaters face to face with reality. I had also written with very warm appreciation about Mr. Fitzgerald's speech on behalf of the Irish Free State which seemed to me pure gold.

### AN INWARD SATISFACTION.

The Premiers from the Dominions were inwardly congratulating themselves all the while on having permanently shut the door, with the full consent of the Indian delegates, to any future Asiatic immigration. They could therefore afford to speak smooth and pleasant things to the Indian delegates and promise a cordial welcome to the proposed Indian committee. The truth about this inward satisfaction came to the surface once or twice during the discussion. Why should they not, from their point of view, be satisfied. Their European population which was increasing every day by leaps and bounds, had already, in the census of 1921, reached a total over 16,000,000 souls. The area of their territories was now over 7,000,000 square miles. In all this vast area, there were only 3,800 Indians in all, and every door was shut and doubly barred and bolted against any further entry of Indians as residents. Even this was not all. This handful of Indians contained practically no Indian women. Therefore, in the course of nature, it must soon become extinct. To give to these very few persons the franchise and the right to engage in the banana trade and to share in old age pensions, could surely be allowed even by a hostile Labour Ministry in Queensland and a narrow local Parliament in British Columbia.

### A VANISHING FRANCHISE.

When Premiers with such engaging and persuasive personalities as Mr. Bruce and Mr. Mackenzie King went back to their respective Dominions and explained to the white labourers what high Imperial interests were at stake, and how the concession of a vanishing franchise could not do the least harm to white labour, in particular, while it might do a very great deal for the peace of the British Empire in general, they could hardly fail to carry their point. After all New Zealand had given the vote without any harm. The franchise was a toy, which the Indians liked to have because of sentiment. There could be no risk in their giving it, and there might be a great gain. Thus they would explain it to the Labour Party, and the Labour Party would patriotically acquiesce. To spend the time of the Conference over such a trifling matter as that, while the world of Europe outside—on the Ruhr, in Bavaria, and elsewhere,—was tumbling into ruin, was surely a strange phenomenon. We may venture to guess that we should not have had those portentously long speeches cabled out by Reuter, had it not been that the goodwill of India in the world's markets, at the present financial juncture was worth an effort to retain.

## A SMOKE SCREEN.

When we come to look behind it all at what has been solidly gained for India herself, we shall not find it in the concessions made by the Dominions. To me on this side the debate appears like nothing so much as an elaborately prepared smoke-screen, which should hide the main objective. It was General Smuts, as I have said who in a few blunt and almost brutal words, brushed the smoke-screen aside for a brief moment. Then it descended again, and the Conference ended with mutual expressions of good-will. As far as I am able to judge at a distance, the pledge which the Duke of Devonshire made, in allowing every colonial administration to be subjected to the test of the Imperial Conference resolution, was a far more substantial gain than anything which was conceded by the Dominions. I think that there is something solid there at last,

## THE SKELETON IN THE CUPBOARD.

But what about the skeleton in the cupboard, which was lurking there all the while, so carefully screened and covered? What about the "White Australia" policy and the exclusion of all Indian immigration? What about the universal boycott of Indian immigration? I can best express what has happened in this way. There has grown up almost imperceptibly, but with a terrible insistence, a dislike among colonials everywhere for Indians as Indians; a desire to segregate them when they come near, a determination to shut them out from every area of land in the Dominions, which by every stretch of imagination, might be called a 'white man's country.' This colour prejudice of the Anglo-Saxon race is of comparatively recent growth in some Dominions. Natal welcomed Indians into the country, for her own selfish purposes, as late as the year 1910, and sent a deputation to India to get more Indians when from the side of India the emigration was stopped. It was only in the year 1913, that all Indian immigration into South Africa of any kind was prohibited. Australia closed her doors tightly in 1903. Canada did the same about 1912-1914. New Zealand did not finally exclude Indians until 1921. I have heard from Indians themselves, how freely they entered Australia and Canada at the end of last century. In the Colonies even up to 1912, there were large schemes afloat for Indian colonisation in Kanya, which would have increased the Indian population there by many thousands. The Fiji white settlers were angry beyond words, when the Indian indentured labour system was abolished in 1916. Up to that time the selfish interest of profit was stronger than race prejudice. But all this time, with slow relentless steps which I have watched with growing apprehension (knowing what they foreboded at the last) the Anglo-Saxon race, both in the Colonies and in the Dominions, has been deciding positively that it does not want any more Indians, even though the plantations might profit by them. It is a new portent that in Fiji there is a large European section which now advocates a White Fiji policy and if possible a repatriation of all Indians from Fiji.

## A ONE-SIDED RECIPROCITY.

This race feeling among the Anglo-Saxon people of the Colonies and Dominions was abundantly relieved by the first part of the Imperial Conference Resolution, which goes by the name of the 'Reciprocity Agreement.' Indeed, it has been hard for the British Colonies at times to conceal their supreme satisfaction at their success. It has appeared to them to represent the end of what they call the 'Asiatic Menace.' This reciprocity agreement decided that each Dominion (including India) had the absolute right to determine the composition of its own population. The effect of this on the Indian side, was practically nothing at all. Colonials still visit India freely, purchase land or mines in India, reside in India enter the Indian Civil Service, just as they did before. At the present time one South African is a Director of Public Instruction and another is a rapidly rising Under-Secretary in the Department of Education at Simla. A New Zealander is the Ruler of a Province. A third South African is the Chief Secretary of Revenue and Agriculture. I have a personal regard for the integrity of all these civil servants, and am not for a moment decrying the services they render. But the word 'Reciprocity' is one-sided, when we regard what is happening in India, and then compare it with the position which Indians hold in the Dominions and with their almost complete exclusion from them. My own thesis is, that this Reciprocity Agreement, if strictly carried out in its absolute form on the one side, and ignored altogether on the other, inevitably involves the break up of the British Empire itself and constitutes a foreign relationship between India and the Dominions. I believe more and more that Sir Pherozeshah Mehta's position will actually be found to be right, when he could not in any circumstance agree to accept Indian exclusion from South Africa. Mr. Gokhale and Mahatma Gandhi, at that time, in their eagerness to bring relief from the tyranny of the £3 Poll tax and other humiliations, did not realise the danger of agreeing to such a surrender.

## ONLY A FOREIGN CITIZENSHIP.

Very soon there will not be a single Indian left in all the seven million two hundred thousand square miles of Canada, Australia, New Zealand and Newfoundland. There will also be hardly any Indians left in the whole of the South African Union excluding Natal, whose area is another 750,000 square miles, bringing the total area from which Indians are excluded to 8,000,000 square miles. What place is there for Indians in an Empire which thus shuts the door in their face! What relationship, except that of foreigners, have Indians with Australians, Canadians and South Africans? When General Smuts proposed as a franchise regulation what was practically a foreign citizenship, he was only emphasising what had already become an accomplished fact. He stated that with regard to citizenship and franchise, no inherent rights should exist between India and the Dominions. He did not realise, that foreign relations had already been established owing to the Asiatic exclusion laws, which had now been passed, in one form or another by every Dominion.

## CHAPTER IV.

### SIR TEJ BAHADUR SAPRU AT THE LIBERAL FEDERATION, 1923.

Dr. Sapru in his Presidential address at Poona said :—

It was only on the 30th of November last that I returned from England after an absence of over five months. During a part of that period I had to work at the Imperial Conference. I assume that you all have read the proceedings of that Conference relating to the question of Indians overseas and I therefore do not propose to trouble you with much of what has appeared in the press. I desire simply to explain the position as it strikes me and while I shall no doubt express my own opinions, I shall leave it to you to form your own judgment.

The position which arose when the Kenya decisions were given by His Majesty's Government in July last was to my mind a most critical one. Important negotiations had been pending for some time past between the representatives of the Indians in Kenya and the white settlers there and the Colonial Office. For our part we had the satisfaction that our case was being put by a deputation which was led by one of our most distinguished countrymen whose knowledge of the subject is only surpassed by his enthusiasm for the cause. I of course refer to the Right Hon'ble Srinivasa Sastri. When I reached London, I found that Mr. Sastri was deeply immersed in this question and it gladdened my heart to know that all that was humanly possible was being done by Mr. Sastri in an atmosphere which seemed to be charged with electricity. At last the White Paper was issued which led to the famous debate in Parliament, part of which I myself attended. Those decisions were received by our countrymen in England and here with feelings of indignation and dismay and I am afraid nothing that has happened during the last three or four years has tended more to weaken the faith of our countrymen in the justice of His Majesty's Government than these unfortunate decisions. While on the one hand, it is said that His Majesty's Government cannot interfere with the internal autonomy of self-governing Dominions and that no self-governing Dominion will for a moment tolerate any encroachment on the part of His Majesty's Government upon the complete freedom of the Dominions to pass their own laws relating to franchise—Parliamentary and municipal—on the other hand it is felt that the same argument, assuming it to be valid or politically sound, cannot in the slightest degree apply



to a Crown Colony. Kenya was and is still a Crown Colony, but it came to me as a surprise when a die-hard politician with whom we in India are not unfamiliar, presuming perhaps upon my ignorance sought to enlighten me by saying that Kenya was not a Crown Colony and that though it had not a responsible Government it had an element of responsibility.

### **DANGEROUS SUGGESTION.**

It was a dangerous suggestion to make, for similarly India might claim that though it has not responsible Government it has a measure of responsibility in the provinces at least. It was quite apparent to my mind that arguments such as these were absolutely untenable and the real fact of the matter was that His Majesty's Government found the white settlers too strong for them. It was urged by some of the statesmen whom I saw in my private capacity, that the Kenya decisions had certainly improved the position of Indians in Kenya in certain respects. To put it at the lowest it seemed to me to be a debatable point. Those among my countrymen who knew better the position of Indians unhesitatingly maintained that so far from their position having been improved, it had been seriously prejudiced in so far as the minority of white settlers was placed in a position of political predominance and definitely acquired the right of exclusive ownership in the Highlands. Indeed that was not the view of only the Indians. Even the Government of India did not at all feel happy over the decisions given by His Majesty's Government and His Excellency the Viceroy felt himself called upon to say in a speech which he delivered to the Legislative Assembly that the news of the decision regarding Kenya came to me and my Government no less than to you as a great and severe disappointment; for India had made the cause of Indians in Kenya her own. As His Majesty's Government has stated, this decision conflicts on material points with the strongly expressed views of my Government as laid before the Cabinet by the Secretary of State for India. This was the state of things in which I found myself placed in London towards the end of July last.

### **THE DIFFICULTY OF THE POSITION.**

I am aware that it was felt in certain quarters and by certain of my esteemed friends also, that I should immediately sever my connection with the Imperial Conference. I carefully considered the position but I was clear in my mind that so far from withdrawing from the Conference it was my duty to fight for the vindication of Indians' rights in the Dominions and the Crown Colonies and to try either to get the Kenya decisions reversed or at any rate to pave the way for their reconsideration:

This is the task that I set to myself. I put myself immediately in touch with some of my political friends in India and I also communicated my views to His Excellency the Viceroy who had deputed me on that mission. The more I thought about it the more strongly I felt that I should not give up the Conference without at least making a struggle for the vindication of our rights. The friends whom I consulted were distinctly of the opinion that I must stay and fight for our rights and I also received much support and encouragement from His Excellency the Viceroy. The difficulty which then confronted me was that I found that India did not figure in the agenda of the Conference excepting in regard to a small question relating to the mandated territories. I owe it to the support which I received from Lord Peel after I had explained to him my position, that His Majesty's Government agreed to give India a day in the Conference. I then interviewed the Dominion Prime Minister. I explained to them my scheme and I must say to the credit of all, excepting of course General Smuts, that they generally agreed to support me. Here I must state that from the beginning to the end, I took my stand on the resolutions of 1921, which, we owe in no small measure to the efforts of Mr. Sastri, and I cannot allow the criticism in certain papers to go unchallenged that I departed in any degree either from the letter or the spirit of those resolutions.

#### **GENERAL SMUTS' ATTITUDE.**

With General Smuts my experience was however different. As I have said more than once, he was adamant. General Smuts has claimed that he showed me every courtesy. I have never denied it. On the contrary, I frankly admitted it in the speech which I delivered at Lady Emily Lutyens' residence and I cannot imagine that General Smuts could have overlooked that portion of my speech. But if General Smuts at all expected that social courtesies on his part could in any measure or degree make amends for his attitude towards the Indian problem and that they could justify me in overlooking his attitude towards the political issue which was raised, he was sadly mistaken. I had not gone to ask for his sympathy with our aspirations towards self-government. I would much rather that we fought our battle for self-government singlehanded than that we should seek his support or the support of any outsider in regard to those aspirations. I put before him a definite issue and he rejected it. Not only did he reject it, but he suggested though he did not move counter-proposals which to my mind, were wholly subversive of the principle of citizenship within the ambit of the same Empire and which, if accepted,

must necessarily establish a higher and a lower grade of citizenship. Not only did he reject those proposals, but he also openly attacked the Indian Government in a manner in which, by his own standard, he should not have undertaken upon himself to criticise another Government, which is a part of the same Empire; for let me remind you of what he said: "I must say quite frankly," said General Smuts, "that I have been very much perturbed over the attitude adopted by the Indian Government in this matter. They pressed the case against Kenya in a way which seemed to me to exceed the limits of prudence and wisdom, and when the settlement was ultimately made, language was used in regard to it which I think would certainly not help the cause of loyalty either in India or anywhere else in the Empire. The whole incident, as I said has had a very bad effect in South Africa." Now, if after this language and his whole attitude and after saying that franchise for coloured races in South Africa was "a question of impossibility," he expected me to treat him as the best friend of India, then he indulged in a vain hope. Frankly gentlemen I do not care whether he charges me with a breach of international etiquette or anything similar to it. I feel that the South African Government, of which he is the head, has adopted towards our countrymen settled in that part of the Empire, an attitude which to use his own language cannot help the cause of loyalty either in India or anywhere else in the Empire.

I shall now briefly refer to my experience of the Colonial Office. With the Colonial Office I had no little difficulty, but it must be said to the credit of the Duke of Devonshire that while he saw no prospect of the Kenya decisions being modified, he at last agreed to extend the scope of my scheme to Kenya.

#### **THE SCHEME OF COMMITTEES.**

I shall now briefly explain to you, if I may what my scheme was. That is contained in my speech and also in the speech delivered at the Conference by the Prime Minister and, lest it might be misunderstood, I would quote the formula as contained in the latter in extenso:

"The Secretary of State for the Colonies, on behalf of His Majesty's Government cordially accepted the proposal of Sir Tej Bahadur Sapru that there should be full consultation and discussion. between the Secretary of State for the Colonies and a committee appointed by the Government of India, upon all questions affecting British Indians domiciled in British Colonies, Protectorates and Mandated territories. At the

same time the Duke was careful to explain that before decisions were taken as a result of discussion with the committee, consultations with the local Colonial Governments concerned, and in some cases local enquiry would be necessary.

Further while welcoming the proposal, the Duke of Devonshire reminded the Conference that His Majesty's Government had recently come to certain decisions as to Kenya, which represented in their considered view the very best that could be done in all the circumstances. While he saw no prospect of these decisions being modified, he would give careful attention to such representations as the committee appointed by the Government of India might desire to make to him.

Sir Tej Bahadur Sepru, while taking note of the above statement of the Duke, desired to make plain that the recent Kenya decisions could not be accepted as final by the people of India."

I shall now ask you to analyse and examine the provisions of the formula which I have just quoted. While no doubt it is true that the Kenya decisions have not been reversed—and frankly speaking I did not expect that a decision given by His Majesty's Government in July last could be reversed by the Imperial Conference in October—I personally think that our position is distinctly stronger to-day and the prospect is more hopeful. I do not wish to put the case higher than this, nor do I wish to overlook the fact that the real struggle will commence now. After the Kenya decisions it was generally understood that the principle of equality embodied in the resolution of 1921 had been abandoned, if not directly, at least by implication, and in important quarters there was not a little nervousness as to what the Conference might do if any one was rash enough to raise the Indian question. The result however shows that at the Conference of 1923 we have secured a most valuable endorsement of the resolution of 1921. Next we have reopened the Kenya door and there is reason now to hope that justice may in the end prevail. The Conference has now definitely provided a scheme for machinery which, if rightly employed will go far in the future to secure, the proper investigation and the due remedy of the grievances under which Indian labour whether in the Colonies or in the Dominions. Apart from our having gained an unequivocal expression of good-will towards our aspirations from the other members of the British Commonwealth—excluding South Africa—a very important constitutional advance has been secured, namely the right of the Government of India to negotiate with the Colonial Office through men appointed by itself, for this and no less

is what is explicitly provided for in the formula. Lastly we have again succeeded in isolating South Africa. I shall with your permission here explain a little more fully the object of this scheme for the appointment of committees.

### THE SCHEME EXPLAINED.

According to my scheme the committee or committees must be appointed by the Government of India, and not by the Secretary of State and will deal directly with the Colonial Office in regard to all questions affecting British Indians in British Colonies, Protectorates and Mandated territories. If necessary, the committee or committees to be appointed will have to go when concerned with questions relating to Indians in the Dominions, to Australia, New Zealand and Canada, the Prime Ministers of which countries expressed their willingness to abide by the resolutions of 1921, and to give effect to their provisions with the help and support of their Parliaments. Mr. Mackenzie King and Mr. Massey agreed to receive such committee and Mr. Bruce thought that he could give effect to the provisions of those resolutions without the help of such a committee. To use his own words, "Australian public opinion is ready to welcome, so far as the position of Indians domiciled in Australia is concerned, any measure which is conceived in the interests of the Empire as a whole." Further on Mr. Bruce summed up the position as follows :—

"In view of the position which exists in Australia and the consideration which has been given to the question, there is no necessity for a committee further to discuss the matter such as has been suggested by Sir Tej Bahadur Sapru. While I appreciate the spirit in which it is put forward, I do not think in the special circumstances of Australia there is any necessity for such action. On my return to Australia I will consult with my colleagues as to what action can be taken."

In reply to this stated as follows :—

"We do not want to send a committee to create any agitation in his country (that is, Mr. Bruce's)—or for the matter of that, any agitation in any country, and I can absolutely feel sure that that is not what is at the back of my mind; but if it is necessary for us to explain our position to you and to help you in the problem, for Heaven's sake do not refuse to accept a committee like that. We want simply to help you and if without receiving a committee from my Government and my country you can

solve the problem, so much the better for you, so much the better for us, and so much the more creditable to you and to your Government."

### BRITISH COLUMBIA.

Since I left England I have learnt that the Parliament of British Columbia has expressed its unwillingness to make any concession in favour of Indians in regard to franchise. Well I am neither surprised nor disappointed. At the time when the discussion took place I fully knew that it would not be without much difficulty that our committee would be able to create an impression on those in authority in British Columbia. But I have no doubt that if the committee goes to Canada at an early date it should be able to come to some settlement notwithstanding the fact that the attitude of British Columbia is at present, as it has been for some time past, one of obduracy. But in this connection I shall quote from Mr. Mackenzie King's speech :—

"It is probable that the Dominion Franchise Act will come up for revision at the approaching session of Parliament. I told Mr. Sastri it was hardly probable it would come up last session, but that I thought it would come up next session. If the course we anticipate is followed the Franchise Act will be referred to a committee of the House and that committee will be in a position to hear any representations that may be made to it."

Further on he stated :—"If it were their (i.e., The Indian delegates) desire to have the delegation given an opportunity of meeting the Parliamentary committee to which the matter will be referred for consideration, I should be glad to see, if the time of their visit so permitted, that they were given a chance to meet the members of that committee and to confer with them at Ottawa. In other words, we would be only too happy to give to any group which may come from India, any person she may send, the amplest opportunities to discuss with our public men all aspect of this particular question. I say this having regard to the method of approach Sir Tej has presented to us here. He has made it clear that the committee would come for the purpose of exploring avenues and ways and means to reach an ultimate result. He should recognise that we may have to take time in this matter, but I would like him to believe that we are sincere in hoping that we will be able to meet his wishes. In seeking so to do, we may have to proceed step by step but the Canadian people as a whole are, I am sure really desirous of meeting our fellow British citizens from India in every reasonable particular. I have not the slightest doubt about that."

It will thus be seen that so far as Mr. Mackenzie King is concerned he has pledged himself to give every facility to our committee and I think I may say that his attitude will be one of helpfulness. It is precisely because British Columbia is obdurate or obstinate that we have got to send a strong committee and strengthen its hands by our support.

### CROWN COLONIES.

I shall now pass on to the Crown Colonies and particularly to Kenya. For the administration of the Crown Colonies including Kenya, His Majesty's Government is directly responsible through its Colonial Office. During my negotiations it became quite clear that it was impossible for me to get the Duke of Devonshire or His Majesty's Government to go back at once on their decisions. It was equally clear that the Kenya decisions could not be allowed to go unchallenged and though they might not be reversed or reconsidered in October 1923, the situation might change, political conditions might be more favourable at no distant time, and what seemed to be a hopeless position then might improve if we persisted in our attempt to secure justice and equality for our nationals there. It therefore seemed to me that the next best thing that could be done was to get an undertaking from the Colonial Secretary that he would extend the scope of the scheme to Kenya also. Accordingly the formula which I have quoted above was settled and it is "that while the Duke saw no prospect of those decisions being modified he promised that he would give careful attention to such representations as the committee appointed by the Government of India might desire to make to him." After the formula was read by the Prime Minister I stated in my last speech that to me as an Indian it was of course disappointing that the Duke saw no prospect of modifying the Kenya decisions, which could never be accepted in India. I further stated as follows :—" But his agreement with the principle of my scheme, and his consent to give careful attention to such representations as the committee may lay before him, inspire me with the hope that the door is not barred, and that the Colonial office may be shown the way to an acceptable solution." Now, speaking candidly I do not think that there can be any room for doubt that the Kenya decisions have been robbed of that finality which was claimed for them in July last and that they must come up for reconsideration.

**IMMIGRATION ORDINANCE.**

Meanwhile, since I arrived in India I have learned that the Kenya legislature has introduced an Immigration Ordinance which is extremely drastic in its character and which if allowed to become law, will practically stop Indian emigration to Kenya. I have not yet been able to read the terms of this Ordinance and my knowledge of it is confined to the summary which has appeared in certain newspapers. Of course we cannot accept an Ordinance of that character and we must plainly tell the Colonial Office that that Ordinance, if allowed by them to become law, will complicate the problem still further. In the situation that has arisen it seems to me that a committee regarding Kenya should go at once from India to England to make representations to and enter into discussions with the Colonial Office without any loss of time. I have strong hopes that the Government of India will not allow the grass to grow under their feet and that they will expedite the appointment and despatch of such a committee consisting of strong tactful and weighty persons at the earliest possible date. As I visualise to myself the situation it seems to me that the committee so appointed should first tackle the question of immigration and then raise the bigger questions arising out of the Kenya decisions. You will perhaps ask me what guarantee there is that this committee will succeed in gaining any solid or substantial results. My answer to such a question would be this. If the men you send are strong and reasonable they should be able to achieve something substantial, more particularly because the Government in England appreciate now the depth and strength of the feeling on this question. And for aught we know to the contrary we may have at no distant date a more favourable Government. As all experience shows decisions which were at one time considered to be final have had to be reconsidered and although it is true that the white, settlers in Kenya have got the moral support and sympathy of South Africa, which to my mind is a factor not to be ignored, yet it does not seem to me beyond the scope of statesmanship to arrive at a settlement which would more effectively safeguard the economic interests of our countrymen in Kenya and remove the sting of racial inferiority. Indeed it seems to me that unless this is done the tension created by the Kenya decisions must continue to exist and India must refuse to accept a position of inferiority in the Empire.

I am aware of the objections that have been raised to this scheme which has been accepted by the Imperial Conference. It has been said that the Committees will be expensive. That they will cost some money



I have no doubt, but political fights in these days necessarily involve expenditure. I do not know of any political organisation at present existing in India which can carry on its propaganda or achieve any substantial results without pecuniary sacrifices. At the same time I think that the expenditure involved should by no means be so heavy as to justify our rejection of the scheme. It has next been asked, if the committee fails to achieve any result what is to be done next. I should not like to anticipate events, but in all constitutional fights it seems to me the failure of one step is only an incentive to another. Frankly speaking, those who raise objections of this character should be prepared to suggest alternatives and if they have alternatives of their own, why, have they not hitherto acted on those alternatives and what has been there to prevent them from taking independent action of their own? It is far better that we should work steadily and patiently but with a full determination to get the wrongs remedied than that we should indulge in threats which we do not mean to give effect to or which we know or ought to know cannot be given effect to.

### **SOUTH AFRICA.**

I shall now pass on to South Africa. The problem is the biggest there. There are about 161,000 Indians there who, excepting a few thousands residing in Cape Colony, have no political franchise. In Natal their municipal franchise is threatened. In the Transvaal there is no franchise of any kind. In Natal they cannot acquire town lands land in townships and in the Transvaal they are prohibited either as individuals or as companies from acquiring land. In the gold area they cannot occupy land. The manner in which traders' licenses are granted and the law relating to them is administered, makes their lot still more unbearable. Last of all, the Union Government has under contemplation legislation providing for the compulsory segregation of Indians in urban areas by imposing certain restrictions on the ownership and occupation of land. All these facts I brought forward in my speech at the Conference and now here throughout his speech did General Smuts challenge any one of them. Throughout his speech he treated the Indian question as if it was a question only relating to franchise, and yet he asserted that he did not think that his Indian fellow-subjects could complain of injustice and "that it was just the opposite." Consider for a moment the manner in which he spoke. "People who have come there as coolies," said General Smuts, "people who have come there as members of depressed classes

in India have prospered. Their children have been to school; they have been educated, and their children and grand-children to-day are many of them men of great wealth." One should have thought that if these men had acquired wealth and received education they were good enough to exercise some sort of political and municipal franchise. But General Smuts' position is that he cannot make a distinction between these men and the original inhabitants, and he says:—"You have a majority of blacks in the Union, and if there is to be equal manhood suffrage over the Union, the whites would be swamped by the blacks; you cannot make a distinction between Indians and Africans, you would be impelled by the inevitable logic to go the whole hog, and the result would be that not only would the whites be swamped in Natal by the Indians, but the whites would be swamped by the blacks, and the whole position for which we have striven for two hundred years or more now would be given up. For white South Africa it is not a question of dignity but a question of existence and no Government could for a moment either tamper with this position or do anything to meet the Indian point of view."

#### DOCTRINE OF WHITE SUPREMACY.

This is the unqualified doctrine of white supremacy within the British Empire—a doctrine which to my mind cannot be accepted by those who owe allegiance to a common sovereign. In the first place General Smuts conveniently forgets that the whites in South Africa are as much foreigners as the Indians. In the next place the Indians there who according to his own admission have been educated and have acquired wealth, cannot justly be grouped together with the blacks until the latter have reached the same stage of civilisation. In the third place, even assuming that the predominantly large number of Indians is a standing menace to the safety of the whites, that may be an argument for regulating the law of franchise, but it can never be an argument for the permanent and wholesale disenfranchisement of the Indians and in any case there can be no justification for those economic restraints which have been put upon Indians and which, apart from imposing indignity on them and on India, strike at the very root of their prosperity as well as freedom. What I was most anxious about was that General Smuts should join hands with the Government of India in exploring avenues for the solution of this difficult problem. I knew that he had dissented from the resolutions of 1921 and I had little or no hope that I could persuade him to agree to those resolutions now. But he would give nothing, consent to nothing and hold out on hopes. On the contrary, as I have shown above, he showed

his concern not only in the whites of South Africa but also in those of Kenya and attacked the Government of India for their attitude towards the Kenya decisions. He also refused to agree to the appointment of a diplomatic agent to be sent by the Government of India to look after [the Indian interests there and to act as an intermediary between it and the South African Government and to keep the Government of India well informed of the facts relating to Indians there. I am satisfied that from General Smuts and his Government we need not expect the smallest possible response to our demands and I believe that if he persists in the course which he had adopted the problem of Indians in South Africa will at no distant date become such a grave problem that it will be a source of the greatest weakness to the very idea of Imperial unity of which he professes to be an ardent exponent and apostle. It is bound to lead to a cleavage among the subjects of our common Sovereign on racial lines and however much we may regret it, it must be recognised that when that stage is reached it will be a most disturbing factor in Imperial unity, which will have to be reckoned with seriously by those who are unwilling at the present moment to recognise its evil potentialities. Here let me strongly repudiate one of the propositions urged by General Smuts, viz., "We must not derive from the one British citizenship rights of franchise, because that would be a profound mistake." I regret that even the Duke of Devonshire fell a prey to this confusion when he sought to make a distinction between Imperial nationality and "local citizenship."

If, however Imperial citizenship is not a mere shadow but consists of something substantial then I cannot see how it is possible to divide that citizenship into two grades, a higher and a lower. You may raise your franchise as high as you like, but I do maintain, and maintain very strongly, that notwithstanding any measure of internal autonomy that you may possess you cannot bar out any section of His Majesty's subjects merely on racial grounds. The question therefore, arise as to what is to be done with regard to South Africa. General Smuts will not have a diplomatic agent from the Government of India, he will not have a committee to investigate the facts and explore the avenues for a solution, he will not remove the economic restraints imposed on our countrymen, and I fear he will persist in his policy of segregation. If we had a fairly substantial population of white South Africans living or carrying on trade in India I should not despair of a solution; But as matters stand, he can pursue his even course in the name and on behalf of the whites there and refuse to be dictated to by any outside authority on the ground

that South Africa is an independent self-governing unit of the Empire. India on the other hand is not a self-governing unit and its Government is still in the leading strings of the India Office and His Majesty's Government. Meanwhile, in recent years Natal has been making money out of its coal trade with India.

### **| TARIFF AGAINST SOUTH AFRICAN COAL.**

I certainly think that the time has come when the Government of India should take courage in both its hands and failing to get any satisfaction out of General Smuts, as it is bound to fail, raise the tariff against South African coal, reduce railway freights for Indian coal, improve transport facilities, and give other encouragement to the local coal industry. Unless some such action is taken by the Government of India and unless it tells the authorities in England that out of respect for Indian feeling and also on considerations of self-respect it must be allowed to take this line, I think nothing that we may do will produce any impression on the South African Government. I think the safety and prosperity of our brethren in South Africa and our own national dignity demand that we should call upon the Government of India to take a strong line in dealing with South Africa, for I am convinced that if the Government of India feels that by representations or negotiations it can achieve any satisfactory results now or for a long time to come, such attempts are doomed to failure and their failure is bound to lead to a development of political feeling in this country which will be extremely embarrassing to it in regard to its internal administration.

To sum up, my view is that so far as the Dominions other than South Africa and the Crown Colonies including Kenya are concerned we must give a patient trial to the scheme which has been adopted by the Imperial Conference and do nothing in the meantime which may prejudice the course of negotiations with the Dominions or the Colonial Office in regard to Kenya. But so far as South Africa is concerned I am clear that there is need for strong action on the part of Government. I say the Government, for unless the duly constituted Government asserts itself in an unequivocal manner in a controversy with another Government the result of any action on our part may be far from satisfactory or substantial.

### **INDIA AND IMPERIAL CONFERENCE.**

The position of India in relation to the Imperial Conference is a peculiar one. To quote the words of Mr. Duncan Hall, "The recogni-

tion of the rights of India to a place in the Imperial Conference is a mark of her special position and circumstances. No other portion of the Empire... can yet be said to have advanced sufficiently towards self-government to have any just claim to recognition as a member of the Conference." India has got a vote as every Dominion has and speaking for myself, I must gladly acknowledge that the Indian delegation was listened to with patience and courtesy. Indeed the one thing noticeable throughout the proceedings of the Conference was the atmosphere of good will in which we worked. But when I say this I think I owe it to you to say also that the thought was not absent from my mind that if India were a self-governing Dominion it could speak with greater authority and greater power. The Ministers of the Dominions speak with the consciousness that they have their Parliaments and their countries behind them. Not so in the case of the non-official Indian representatives. The Indian representatives have no mandates from their Parliament and the Indian Government is not yet an independent Government. Undoubtedly to my mind India's prestige in this Council of the Empire would be indefinitely greater if she could deal with the rest of the Empire on terms of perfect equality, and it is for this reason that I feel that unless and until India first achieves self-government the position of her nationals overseas must always continue to be more or less unsatisfactory. We are reminded every now and then by our critics, friendly and otherwise, that we must wait and be in no hurry to press the claims of our countrymen in the Dominions and the Crown Colonies until a more favourable change takes place in the opinion of the white settlers. It seems to me that if India were a self-governing country the necessity for addressing these injunctions to the white settlers would be equally strongly felt. As matters stand at present the underlying basis for advice of this kind is that Indians can at best expect an indulgence. I do not think that if India were a self-governing country within the Empire the wishes of her Government or her people could be ignored or a decision which was resented even by the Government of India could be given, as it was in July last when on the main questions the opinion of the white settlers prevailed. It therefore, seems to me that while on the one hand it is our duty to emphasise our claim regarding proper, just and equal treatment outside India, our duty is even more imperative that we should lay still greater stress upon the achievement of responsible Government in India itself. This leads me on to the second part of my address."

Mr. B. S. Kamat then moved the third resolution regarding Indians Overseas as follows:—

### **KENYA INDIANS.**

(1) This meeting of the All-India Liberals places on record its indignation and resentment at the Kenya decision of July last, which besides, being grossly unjust and invidious, violates the most-solemn pledges of the crown and other constituted authorities, and its firm determination, which is likewise the determination of the whole of India, never to accept any settlement which assigns to their countrymen in Crown Colonies, particularly Kenya, a status in any way inferior to that of any other class of His Majesty's subjects. This meeting trusts that the committee to be appointed by the Government of India in pursuance of the resolution of the last Imperial Conference will be able to secure for Indians in Kenya a position in keeping with her recognised status as an equal partner in the British Commonwealth besides safeguarding in an effective manner their economic interests.

(2) This meeting further views with alarm the tendency of the provisions of the Kenya Immigration Bill, and requests the Government of India notwithstanding the unfavourable attitude of the Secretary of State for the Colonies, to press upon him the necessity in ordinary good faith of delaying the progress of the Bill through the Kenya Legislature until the committee above mentioned should have had opportunities of examining the measure and discussing its provisions with the Colonial Office. This meeting is further of the opinion that the Government of India should without delay appoint a strong and representative committee and send it to England at the earliest possible date to raise the question with regard to the Kenya Immigration Bill with the Colonial Office.

### **RETALIATION AGAINST S. AFRICA.**

(3) In view of the facts that the political, civic and economic interests of Indians in South Africa have been for generations without adequate protection, that at the present moment their economic status is further threatened by the imposition of restraints which are humiliating to this country as well as injurious to their interests and that the position of Indians within the Union of South Africa excepting Cape Colony has during many years been inconsistent with their status as subjects of a common Sovereign and with the national dignity of India, this meeting of the All-India Liberals strongly urges the Government of India and

the Secretary of State to take effective retaliatory measures against the Government of that Dominion, whose representative refused even at the last Imperial Conference to explore any avenue for the redress of the grievances of Indians, great numbers of whom were born in that country and own it as theirs in particular, this meeting recommends the imposition on non-Indian South African Colonials of reciprocal restrictions and disabilities in respect of the franchise, both political and municipal, eligibility for the public service and the right to hold properties and trade, mining and navigation licenses.

(4) This meeting strongly urges (i) amendment of the Racial Distinctions Removal Act so as to deprive non-Indian South African Colonials in India of the special privileges still accorded to them in criminal trials, and (ii) the imposition of a prohibitive import duty on South African coal, taking care at the same time by suitable measure to provide adequate facilities to Indian coal in the way of transport and otherwise.

#### APPEAL FOR CO-OPERATION.

Mr. Kamat said they had often heard from British historians and others that they in the East were full of cunning and diplomacy, but considering the various subterfuges which British statesmen had employed in tackling this Colonial problem it was they who deserved to be called cunning and diplomatic. He complimented Sir Tej Bahadur Sapru on the great tact and skill with which he handled the Indian case at the Imperial Conference, and urged that pending the decision of the committee which was to be sent to the Dominions to investigate the Indian question the people of India should create an atmosphere of good will and co-operation. But if hereafter they found that their committee was treated with neglect, it was open to them to revert to measures of retaliation. He blamed the Colonial Office for the hothaste with which it was reported to be pushing through the Immigration Bill, and submitted that its contention that it was necessary to restrict Indian immigration in the interest of the African artisans was quite baseless. He doubted whether any careful inquiry had been instituted before the Bill was introduced to ascertain whether there was really a competition between Indian and African mechanics. As to General Smuts' declaration that it was impossible to give franchise to Indians in South Africa, Mr. Kamat said they took up that challenge and would concentrate all their retaliatory measures on that country in all possible ways. In order to do that he averred it was

not only necessary to carry the Government of India with them, but it was also necessary for the Liberals to carry with them all the political parties in India.

Mr. G. A. Natesan (Madras) seconded, and Mr. N. M. Joshi (Bombay) supported the resolution which was carried.



## CHAPTER V.

### FII.

#### A BRIEF HISTORY OF THE SITUATION.

In order to understand what is happening in Fiji to-day quite clearly it will be necessary to relate briefly the order of events in that Colony during the last 10 years, which led to the stoppage of all labour emigration from India. Reference to some of these events will be found in Miss Garnham's Report, and they also explain the hardship of the Poll Tax this year.

In 1913, Mr. MacNeil, of the Government of India Civil Service, and with him Mr. Chamanlal of the United Provinces, were sent out to all the Crown Colonies to make enquiries concerning the condition of indentured labour from India. They summed up their whole Report by saying, that "the advantages under the indenture system outweigh the disadvantages." Their only recommendation with regard to the moral problem, which was at the root of all the suicides and murders, was that 50 women should be sent out with every 100 men, instead of 40, a grotesquely inadequate proposal, as will be seen from Miss Garnham's own statement, which follows later.

The Indian people were altogether dissatisfied with this Government Report, when it was published. Therefore Mr. W. W. Pearson and I were sent out together to Fiji, in the year 1915, by the Indian people themselves and on their behalf in order to make a fresh enquiry. We were fortunate enough to return (in the spring of 1916) just in time to present our evidence before the Viceroy's Council at Delhi before the Session closed. Our Report was given to all the Members of Council, and to the Viceroy, Lord Hardinge. He was able, on the evidence furnished, to convince the Home Government and thus to accept on behalf of the Government of India a Bill abolishing indentured labour altogether. This was carried unanimously and passed into law under the name of Abolition of Indenture Act, 1916.

But later on, it was found, that a remark made in the Viceroy's speech, saying that a 'slight delay' might be necessary, while adjustment of labour was made in Fiji, and other places, had been taken advantage of by the Colonial Office (with the connivance of the India Office), and a secret agreement had been reached in writing, by which the 'slight delay' was interpreted as covering five more years' recruiting in India for indentured labour, and therefore ten more years' prolongation of the system. It was only by a mere accident, that I discovered the existence of this secret agreement. What happened was this. A high official in Fiji wrote to me saying, that the sugar planters in Fiji were all congratulating themselves on having gained a five years' respite. I was in Japan at the time, with the Poet, Rabindranath Tagore. On receipt of their letter, I came back to India and on the day of my arrival (October 2nd, 1916) I wrote a letter to the Viceroy telling him of the outrageous wrong that was being done. This letter was formally acknowledged, and an en-

quiry into the matter was promised. But the whole subject was lost sight of; and when at last the Government was challenged in the public press, the people of India were coldly and officially referred to the statement of Lord Hardinge, that a 'slight delay' was necessary for readjustment of labour in the Colonies. At this, Mahatma Gandhi, Mrs. Besant, Lokmanya Tilak, Pandit Madan Mohan Malavia, and many other leaders, took up the indenture question as a primary national concern and the whole country rang with indignant voices at this betrayal of India, in refusing to close down altogether the indentured labour, after a solemn promise had been given. What perhaps had more effect than anything else was the representation made by the women of India on behalf of their sister abroad. Lady Tata, Mrs. Petit, Mrs. Sarojini Naidu, Mrs. Nehru, and others went up themselves to Delhi and were received by the Viceroy, who promised to do all that he could to bring the system to an end immediately. This event is referred to in Miss Florence Garnham's Report. It was the chief argument, which I brought forward in Australia, when asking the women of Australia to unite with the women of India in bringing to light the facts concerning indentured Indian labour in Fiji. It accounts, more than anything else, for the women of Australia taking up the matter so earnestly and with such enthusiasm.

The people of India again asked me to go out to Fiji after this crisis in order to obtain more thorough and detailed information about the working of the indenture system. For there appeared every possibility that further attempts would be made to open recruiting in India again, in order to provide for the sugar plantations of Fiji. This time, I went out alone, and spent a great part of the year 1917 in making the voyage there and in journeying to and fro on the main Island visiting the plantations. Some time was also spent, at the end of the year 1917 and at the beginning of 1918, in touring through Australia and explaining there the terrible conditions of immorality on the sugar plantations in Fiji.

Shortly after this visit to Australia and in consequence of it, Miss Garnham, whom I had met in Australia, was chosen by the different women's organisations to go out and make an independent enquiry. This she did during the year 1918. After the most searching examination, her judgment concerning the moral degradation, which had taken place under the indenture system, coincided with that of Mr. W. W. Pearson and my own. I should also mention, that the Rev. J. W. Burton, who at a much earlier date had studied the problem as a missionary in the main Island, had come to the same conclusions and had published his findings in a book called 'Fiji of To-day.' It was therefore proved beyond much doubt, for any reasonable person, that things were very bad indeed. Perhaps the most convincing proof of all, showing that there has been no exaggeration of any material character in the charges that were brought forward with regard to the immorality in the labourers' 'lines', is the fact that neither the planters nor the Colonial Sugar Refining Company have ever issued any serious and detailed report or statement in defence of the indentured system in Fiji; nor have they answered the main moral arguments brought forward by those who condemned it.

On my return from Fiji the second time, I met Mr. Montagu, the Secretary of State for India, at Delhi. He asked me to prove my case. I showed him Fiji Council Paper No. 54, which had been signed by the Chief Medical Officer, Dr. Lynch. If my memory is correct, Dr. Lynch was also a member of the Executive Council. This Council Paper, No. 54, was laid on the table of the House in Fiji and passed unanimously. It was then circulated as a Government Paper and sent to the other Colonies. It contained the following sentence, which was officially used concerning the immorality practised in the "lines":—"When one indentured Indian woman,"—so the Report ran,—“has to 'serve' three indentured men, as well as various outsiders, the result in the cases of gonorrhoea and syphilis cannot be in question.” Mr. Montagu was horrified and said to me, “Do they publish things like that in Government papers in Fiji?” I gave him the document, and he studied it. He then said to me, “That's quite enough! I don't want to see anything more! Tell me what you want done.”

It was during the same year, 1918, that Miss Florence Garnham went out to Fiji. She, naturally, could obtain from the Indian women much more information than I could about the misery of their lives. If anything, her Report is more strongly worded than my own.

After all this, a long and weary struggle had yet to take place before the final cancelling of the last period of indenture, among those who had been brought out as late as 1916. Then, at the close of the year 1919, this welcome event happened. The New Year of 1920 began in Fiji with complete freedom for every single Indian labourer in the Island. There was everywhere very great rejoicing and extravagant hopes of an immediate large increase in wages. This led very soon to a strike for a higher daily wage. A Government enquiry was instituted, to find out what was a living wage in Fiji, with food prices as high as they then were. The Commission's Report was inconclusive, but a statement by Mr. S. S. Chowla, a Government interpreter, who had made a special study of the subject, placed the minimum living wage as high as 4 shillings a day. Other estimates brought it as low as 2 shillings and six pence. The peacefulness of the strike was marred by police provocations, which led in turn to rioting. There followed very severe military repression. Gunboats were summoned from New Zealand. Altogether, there appears to have been panic among the Europeans. Mr. M. Manilal and his wife were deported, and later on were subjected to continual petty persecutions. The strike ended in failure.

In the following year, a new strike began under the leadership of a Sadhu, named Bashist Muni. This strike was remarkably well organised and continued for about 5 months, without any violence at all. In the end, after terrible privations, the Indian labourers had to come back to work at a wage which was much less than they had demanded.

Though, in outward appearance, both these strikes for higher wages had failed, yet they represented a discipline of the Indian community and a hardening of powers of resistance. During the years 1920 and

1921, a very large number of Indians returned to India, and some thousands in all (including ex-indentured labourers from British Guiana and Trinidad) were landed at the Calcutta docks. These, for the most part, became absorbed in the up-country villages, from which they had emigrated. But a residuum, of between twenty-five and thirty per cent., drifted back to Calcutta and lived in great misery and destitution in the slums of Matiaburj. Here, the Emigrants' Friendly Society, under the devoted care of Mr. F. E. James and many others as helpers, and the Marwari Association, with Mr. Barman as its chief worker, spent laborious days in trying to rescue them from their wretchedness. The experience gained during those two years proved up to the hilt the unwisdom of inviting those who had gone out to these Colonies to return, with the expectation of getting employment in India.

The middle of the year 1922 witnessed at last a sudden depression in the sugar trade, after all the previous years of swollen profits. At the beginning of the year 1922, the Hon. Mr. M. Hedstrom had said, in the Fiji Legislative council, "During the past two years we have passed through a period of feverish prosperity." He might have spoken, as far as the sugar trade was concerned, of at least eight instead of two years. For, since the beginning of the War, in 1914, the whole output of sugar had been taken over by the Australian and New Zealand Governments, and an exceedingly liberal sugar bounty had been given.

When I was in Fiji, in 1917, I addressed a small group of planters—possibly 30 in number,—and asked them, if they had made as much as £100,000 extra war profits, since the war started. They at once answered: 'Yes'. (Afterwards I found that I could have put my figure very much higher; but I guessed at a safe number). Then I said to them: "Have you, gentlemen, passed on a single farthing of those extra war profits to the indentured labourers?" They answered: "No."—One of these planters had paid off the whole cost of his estate out of his own net profits for a single year. This was not altogether exceptional during these years of the war and for two or three years after.

What the actual increased earnings of the Colonial Sugar Refining Company rose to, during those years, no one was able to discover. The C. S. R. (as it is always called in Fiji) has a thousand ways of concealing its actual gains; but they must have been enormous. This company is very nearly a monopoly in Fiji. There are only two small companies besides. The C. S. R. owns all the Railways, telephones etc., and a very large part of the most fertile soil belongs to it in addition. Fiji has been a veritable 'gold mine'. The 'Sydney Bulletin' in its financial columns published early in 1919 a business statement about this huge Australian concern, the C. S. R. Co., which reads as follows:—

"The net profits shown in the table printed elsewhere are the figures shown by the C. S. R. Co.'s Directors. Whether they represent the true net profits, the 'Sydney Bulletin' does not know, nor does anybody except the very few inside. In past balance sheets the Directors certainly did not disclose all the profits made; for instance, in the year 1910 they

admitted that for fifteen years they had been purchasing property in Fiji out of profits. The result is shown in the table. In 1916 no less than £3,250,000 were written up and bonus shares issued in a new Company, called the Maoriland and Fiji Company. A Directorate which can state 34 million pounds out of its sleeve in this way cannot except its figures to be taken too seriously. It is a notable feature in the C. S. R. Co., that no matter what new troubles confront the Directorate its disclosed profits are not affected to any extent. Working back over the past ten years gives an amazing record for this mammoth concern. Since 1907, no new capital has been got in. But in that year, besides the issue of fifteen thousand £20 shares, for which only £15 was paid, £750,000 accumulated profits were capitalised. That brought the paid up capital to £2,500,000. The paid up capital of the parent Company alone is now £3,250,000; and every penny of that  $\frac{3}{4}$  million is capitalised profit. Here is a short history of what has happened since 1908:

	£
Dividends paid .....	3,681,875
Profits capitalised .....	750,000
Assets written up and bonus shares issued in Maoriland and Fiji Co. ....	3,250,000
Added to visible reserves .....	463,479

£8,145,354

(This was not, however, the end of the story. During the years 1919 and 1920, and part of 1921, the great sugar boom continued, and almost fabulous profits were made. Yet in spite of these, the bitter labour struggle went on with practically no concessions to the labourers on the part of this monopolist Sugar Company. This was entirely in keeping with their former policy. For when, in the year 1917, I pointed out to the Company's Chief Inspector, Mr. Dixon, that it was altogether iniquitous to keep the indentured labourers' wages down to one shilling a day, when the food prices had increased by over 100 per cent, and the extra war profits on sugar were so enormous, I could not get him to agree even to a 25 per cent. rise of the daily wage, so that it might reach one shilling and three pence (equivalent in India to about 5 annas). It was pointed out to him, that one Tamil labourer had committed suicide, because he could not bear to see his wife and young children starving. I went over all these things with Mr. Dixon, but the C. S. R. Co. Head-quarters in Sydney steadily refused to raise the labourers' wages, until they were practically compelled by the Fiji Government to do so. This grudging policy has characterised the C. S. R. Co. all along with respect to the Indian wages. More than any other cause it has led to the intense discontent and bitterness of recent years. It would seem as though this monopolist Company were determined to beat down the Indian labourer below the margin of subsistence. Recently it has reduced the daily wage to one shilling and six pence. At the same time, I have often brought to the

notice of the Indian public certain schemes of Indian land settlement on the Company's estates, which are in strange contrast to their illiberal policy of wages.

Though the Indian labourers have been all free ever since January, 1920, yet the evils of the old indenture system are still clinging on, even to-day. Above all, the earlier enforced immorality has by no means been overcome. The crowning bitterness and hardship has been experienced this year, when a Poll Tax, of one pound sterling for each adult, has been imposed. Over 90 per cent. of this will have to be paid by the Indian community alone, which has been already impoverished by two strikes and also by the refusal on the part of the Colonial Sugar Company to give a living wage to their Indian employees. So serious has been the situation, that the nominated Indian Member of Council, the Hon. Badre Maharaj, who had hitherto been a nominee of Government, has now resigned his seat on the Council after protesting against the iniquity of the new Tax.

This short narrative will be sufficient to make the background clear for the two papers which follow. An extract from one of the many letters, which are continually reaching me from Fiji, may here be given. It will show most vividly the scene, with which the future pages have to deal. A Brahmin woman, born in Fiji, writes to me in Hindi as follows:—

“My father and husband went to India on account of insufferable difficulties in Fiji. But they found it impossible to live in India because of the social ban. Hence the whole party had to return to Fiji. But unfortunately my husband was left, because there was not sufficient money to pay his passage. At present, the life in Fiji itself is extremely difficult and miserable. Thousands of labourers have been thrown out of employment. The fields, which you saw full of sugar-cane and vegetables, are now lying idle. The houses you used to visit are deserted. The land, about which you gave a vivid description in your report, now presents a dismal picture to the visitors' gaze. We expected much from the Commission, which came to Fiji; but we have heard nothing about it. I am surrounded by a hundred difficulties, but the culminating one is that I have lost my husband. There can be no greater sorrow, as you know, to a Hindu wife than that! I cannot give full expression to my feelings, but you can well imagine them. Confiding in your kindness and benevolence of heart, I earnestly request you to help me.”

This is the translation of one out of the numberless letters, which come to me from these poor and distressed people. The misery that has been caused by the old indentured system; the homes that have been broken up; the lives that have been finally ruined; the humiliations that have been received; the stains on Indian honour and Indian virtue that have been made—God alone, in His infinite mercy and compassion, can heal and redeem them all!

A word must be said concerning the Australian Women's Associations who sent out Miss Florence Garnham to represent them in Fiji. Altogether 46 different Associations, in Australia, Tasmania and New Zealand, joined together in this work on behalf of humanity. Before I left Australia, early in 1918, I had visited every province from West Australia, in the far West, across the great Australian Desert, to Queensland in the North East. I had been very greatly impressed with the spirit of sympathy which I found everywhere among the Australian women, and my trust was not unfounded. After I had left, the work went on even more earnestly than when I was present. It should be mentioned, also, that these Australian Women's Associations were instrumental in getting a first rate Lady Doctor, Dr. M. Staley, to go over to Fiji for the special purpose of helping, in their sicknesses, the Indian women. Unfortunately, the Fiji Government, in their retrenchment scheme, have now cancelled her appointment and she has been obliged to retire. One day, quite recently, while I was in London, an Australian lady from Sydney sought me out and found me after much difficulty. She told me that she was doing all she could to get Dr. Staley's appointment re-sanctioned, and we talked out the whole subject. In all the miserable welter of racialism, which this description of conditions in Fiji discloses, this touch of true humanity on the part of the Australian women will be remembered with thankfulness in India.

C. F. ANDREWS.

August, 1923.

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## SECTION I.

### MISS FLORENCE GARNHAM'S REPORT, 1918.

For many years the leaders of Indian public opinion have been opposed to the indentured system, since to their minds so many evil features were involved. It may appear strange that, although the Indian people were averse to the indentured labour system, it was allowed to continue for so many years. It must be remembered, however, that it is only since 1908 that Indians have been represented by their own people on the Viceroy's Legislative Council. The Indian indentured labour system was instituted long before this, and was therefore approved by a council consisting of Europeans only. It has never been approved by the Indian members of the Viceroy's Council appointed since 1908.

The following extract from a despatch written in 1915, signed by Lord Hardinge, then Viceroy of India, to the Secretary of State for India, will show how great was the opposition to the system among leading Indian people:—

“ . . . Whatever may be the extent of the economic advantage arising from the emigration of indentured labour, the political aspect of the question is such that no one, who has at heart the interest of British rule in India, can afford to neglect it. It is one of the most prominent subjects in Indian political life to-day; and its discussion arouses more bitterness, perhaps, than that of any other outstanding question. For

Indian politicians, moderate and extreme alike, consider that the existence of this system, which they do not hesitate to call by the name of slavery, brands their whole race in the eyes of the British Colonial Empire with the stigma of helotry. How, they ask, will a European colonial ever admit us into the fellowship of citizens of the Empire, when he knows that men of our country and colour can be purchased for five years for five shillings a week? It is firmly believed also in this country, and it would appear, not without grave reason, that the women emigrants are too often living a life of immorality in which their persons are, by reason of pecuniary temptation or official pressure, at the free disposal of their fellow recruits, and even of the subordinate managing staff. The feelings which these beliefs engender are strong. ' . . '

(See Council's Refer. No. 36, *Leg. Council Fiji*, 1916)

The report issued after the visit of Messrs. C. F. Andrews and W.W. Pearson to Fiji in 1915 made a great impression on the Indian people. On March 20th 1916, the Viceroy announced that the indenture system would be brought to an end, as soon as possible, in every colony where it was still in force. In January, 1917, however, news reached India that the Home Government contemplated a delay of five years, during which time recruiting might still be carried on! It was then that, for the first time on record, leading women from every province in India went in a deputation to the Viceroy, and asked that the indenture system should be abolished without delay. The effect of this action on the part of the women of India was immediate. The Viceroy announced that all further recruiting for indenture should be stopped at once. This decision was soon afterwards confirmed, and thus the indentured labour system was abolished.

Indian population in various colonies in 1913, and suicide rate per million in each colony.

The following is a comparative table, showing the number of Indians in the various colonies in 1913, together with the average suicide rate per million for the ten years ending 1912:—

Colony.	Suicide Rate per million			
	Indent.	Unindent.	Indent.	Unindent.
Trinidad .. .. .	12,747	13,306	406	134
British Guiana .. .. .	9,114	57,336	100	52
Jamaica .. .. .	4,047	—	396	—
Fiji .. .. .	15,961	35,644	926	147

Re-produced from Messrs. McNeill and Chamman Lal's report.

(The average suicide rate in the United Provinces, from which district in India the vast majority of immigrants are recruited, is only 63 per million.)



Now this extraordinarily high suicide rate has very close connection with the sex disproportion, as is shown by the following table:—

Colony.	Adult Males.	Adult Females.	Percentage. of Females.
Trinidad .....	31,989	17,169	35
British Guiana .....	53,083	34,799	39.6
Jamaica .....	7,137	4,775	41
Fiji .....	20,062	8,785	30.4

**Note.**—Figures compiled from 1911 Census reports of various colonies. The proportion of females is probably higher now (1918).

A comparison of the above tables shows that the suicide rate is found to be at its worst in the colonies with the largest population basis of indentured labour, and also that Fiji, where the sex proportion is most abnormal, has also the highest suicide rate.

I have often been asked why, since other colonies are also using this form of labour, special attention has been directed to conditions in Fiji.

Reasons for special enquiry in Fiji.

The above figures show that evils exist in other colonies, and it will be well to keep this in mind, but they also show that the suicide rate is greatest by far in Fiji—a significant enough fact to warrant a special enquiry: especially as an excessive number of violent crimes are also reported in the same colony. In fairness to Fiji it must also be said that various important amendments have, from time to time, within recent years, been made in the immigration ordinance, perhaps the most beneficial to the Indian being the abolition in 1912 of the penal clause for labour offences, and the reduction in the daily task. But such action on the part of the Government really only provided palliatives, and could but have the effect of bolstering up an evil system. The main causes which led to the large number of suicides and crimes remained untouched.

The moral and social evils which this condition of affairs indicated, lay in the following causes:—

1. The disproportion of the sexes—the evils arising from this disproportion are intensified when a large number of men and women are forced to live in a crowded area.

Causes of moral and social evils.

2. Lack of privacy in the coolie “lines,” and the consequent impossibility of developing a pure home life.

3. (a) Break of environment:—“Indian village life is a very complex whole. The villages are generally ignorant of conditions outside their own villages, and much more so of those in foreign countries. When this communal village life is broken up by the villager being carried to a strange and distant land, and its age-long social restraints and reli-

gious sanctions are removed, then in the bulk of cases demoralisation must set in, as has actually been admitted to be the case."

(b) Absence of leadership, following on break with old communal life.

4. Loss of self-respect arising from lack of liberty and from degradation of life in coolie lines.

The loss of self-respect involved in the indenture system has sometimes been questioned, but from the attitude of free and indentured people with whom I have spoken on the matter, there is no doubt in my mind as to the existence of this feeling. Free men and women felt insulted if they were thought to be indentured people, and the indentured people expressed their feeling of shame and humiliation at being in such a position.

Evils of Lines. My own feeling about the 'lines' is that they are entirely unsuitable for married people.

There can be no real home life where it is impossible to ensure privacy, and anything approaching privacy is quite impossible in the 'lines.'

When it is remembered that there are roughly three times as many men as women living in the 'lines,' the danger of this method of housing will be more fully realised. It is true that some planters arrange for single men to live in a row of lines separate from the married people, or at one end of a row of dwellings while the married folk live at the other, though even this is not always insisted upon, and the married quarters are by no means barred to men. I had evidence from various sources during my stay on the island that life in the 'lines' is unspeakably corrupt.

Indians speak of the 'lines' at the mill-centres as "prostitution houses," and many men whose period of indenture had expired told me how glad they were to be away from the 'lines,' and to settle in places where their wives were protected. It was quite impossible, they said, for a woman to preserve her chastity in the coolie 'lines.'

This utter abandonment of morals is unfortunately not confined to the adult section of the community. I have heard  
 Childhood contamination. little children speak of things which showed an appalling knowledge of vice of the worst kind.  
 Children over three years of age, whose mothers are working on plantations, are quite uncared for as a rule, while the parents are at work. This neglect of childhood is one of the gravest features of life in the 'lines.' It is scarcely to be wondered, in the circumstances, that Australian women in charge of the Methodist Mission Orphanage find that tiny children brought to them show a knowledge of evil that is exceedingly difficult to counteract.

Unfortunately it is not only indentured people who live in the 'lines.' On some estates I found more free than indentured people occupying these quarters—not because they are content or satisfied with the 'lines,' though certain advantages are provided, e.g.—free quarters, a good water supply, and satisfactory sanitary arrangements; but because as a rule the only alternative would be for a man to lease a piece of land as near the estate as possible, and either build a house for himself, or pay a Fijian to build it for him. I found also that some men were willing to stay in the 'lines' in order to be near women who were the wives of other men. Sometimes I even found that husbands consented, for certain monetary considerations, to allow their wives to be shared by other men for a certain period. The degradation and unhappiness of such a life may be better imagined than described.

One may well pause to consider what sort of childhood is possible where the motherhood is so utterly depraved.

The majority of the planters with whom I discussed the housing question, agreed that the present system is most unsatisfactory, and some have erected reed huts on their estates for some of their employees. The main difficulty seems to lie in the fact that the buildings are in most cases the property of the sugar company, and are only rented as part of the estate by the planter; so that the planter does not feel responsible, but considers it the duty of the company to erect suitable houses.

The Colonial Sugar Refining Company have two schemes on foot for housing the people directly employed by them at their mill centres. At Ba, separate wooden houses, each consisting of a living room, with a verandah back and front, and a kitchen, are being erected for married men employed in the mill; and at Lautoka, quarter-acre plots have been let to Indian employees at a nominal rental, and on these plots they erect their own reed huts. I visited some of these homes, and found the people on the whole happy and contented. Many expressed their satisfaction with the new arrangements, and said how glad they were to be right away from the sordidness of the coolie lines.

The Colonial Sugar Refining Company has also instituted a scheme for the settlement on ready made farms of Indians serving the last year under indenture, and for their occupation when their indentures have expired. The Company has set apart large areas for this purpose, and men in their fourth or fifth year take up these holdings. While they remain under indenture, they continue to live in the 'lines' and are subject to the immigration laws; but they soon free themselves and their wives, settle on the outskirts of the plantation, and devote their energies to the hand-cultivation of their plots.

When the period of indenture is finished, and Indians become "free," they are encouraged to settle on the land. They are not entitled to a free passage to India until they have lived ten years in the colony, and so there is no alternative but to find some employment during the five years after indenture. Some are retained

on the plantations, but the majority rent or lease land on which they settle with their families. Numbers of men and women living on the free settlements expressed to me their relief at being right away from the surroundings of the "lines," with all the evil associations of the five years under indenture.

For several years a Government Land Settlement scheme for Indians has been in operation—the Government acquiring Land Settlement land from registered proprietors and from native owners, and leasing it to Indians whose period of schemes. indenture has expired. Recently the Colonial Sugar Refining Company has offered to lend sums up to £100,000 at 4 per cent. to the Government in order to extend this Indian land settlement scheme.

By far the greatest number of free Indians are employed in agriculture. In some districts rice is grown fairly extensively, and in others maize, lentils, and tobacco. A large number of Indians grow sugarcane, either on their own land, or on land leased from the various sugar companies.

Many of these free Indians are very prosperous. I found a far greater degree of general prosperity on the northern and western sides of the island than on the south, when the climate is not so good, and the Indian people on the whole are poor.

It will be easily understood that immorality is not left behind in the "lines," but extends also to the unindentured people. Polyandry is not uncommon, and trafficking in young girls is appallingly frequent. There is no doubt that the unnatural sex ratio lies at the root of much of the evil. Under normal circumstances it is likely that this condition will be changed by natural processes within thirty years or so, but in the meantime there is danger of the moral evil becoming so acute that it may persist long after the proportion has become equalised.

It therefore seems absolutely necessary that some action should be taken to remedy the evil by other means. The sooner the equalising process takes place, the better for all concerned, and so I would urge that every possible step be taken to further this end. Need for remedy. It would be criminal to leave things to right themselves if some means could be found to expedite the process. This can be accomplished either by encouraging single men to leave the colony, or by the introduction of more women.

It has been suggested that Indian widows might be encouraged to go to Fiji to re-marry. I do not think the suggestion a practical one. Popular opinion in India is absolutely opposed to widow re-marriage, and the sentiment is strongest among illiterate people. Suggestions for remedy.

It is extremely unlikely that they would be at all willing to allow the widows in their communities to go to Fiji for such a purpose; and the widows would probably consider they were degrading themselves by marrying again, and so at the very outset their own self-respect would be lost.

The introduction of shiploads of women to other colonies has rarely proved satisfactory.

It should be possible to arrange for single men to go to India to find wives, and for parents to return to find wives for their sons. There are obstacles even to this plan. It is possible that respectable people in India will not be anxious to allow their daughters to marry men from Fiji, for in most cases these men have lost caste, and, apart from this, stories of Indian life in Fiji are current in Indian villages—stories that would make parents hesitate to allow their children to become members of the Indian population in Fiji. However, it would be worth while crying to discover in India itself how far these difficulties could be overcome.

**Expense involved.** The main difficulty to this plan from the Fijian Government's point of view is that of expense.

It is calculated that free passages for five thousand men to India, together with return passages for the same men with their wives would cost about a quarter of a million pounds. But the evils arising from the disproportion of the sexes are so great, and the danger to the colony so serious, that any cost involved in finding remedy would be warranted.

It is important to note that under the indenture system, labour units, not families, were recruited. In some cases married couples were introduced, but only because both were labour units. Thus only women who were willing to work in the fields were recruited. To bring out married couples simply because they were married was not in the scheme at all; it would have meant greater expenditure in introducing the people into the colony—and so apparently the cheaper method was followed. It is just here that the greatest mistake was made, for clearly the introduction of families would have obviated much of the evil in Fiji to-day. Moral interests were evidently sacrificed to money, and the fact that the prosperity of a colony depends largely on the moral and social welfare of the people seems to have been disregarded.

I was told in Fiji that the colony could never meet the expenditure involved in thus bringing out more women, and was asked how the financial outlay could be met. Since the sugar companies and planters have benefited from the immigration of Indians on a cheap scale, it appears just that they should pay at least a part of the cost, but it is difficult to see how it could be recovered from them. Those responsible for the introduction of the system should also take their share, and it may be possible to work out a scheme by which the Imperial and Indian Governments could assist financially.

One fact that needs to be emphasised in order to give a true picture of the hopelessness of the present condition of the people, is that a very high percentage of men and women have left wives or husbands and children in India. As everyone knows, most Indian people are married while quite young, and there are practically no bachelors or spinsters in the country except in Christian and "reformed" Hindu communities.

I found that very few women had come out with their husbands. They had been induced by various means to leave their homes—and men had for the most part come without their wives. A big tragedy lies behind this fact.

Some men and women, although already married, form other alliances soon after arrival in Fiji. This is one of the reasons why many men cannot return to their own country. It would mean in most cases that they would be forced to desert wives and children in Fiji in order to return.

It is very evident that a great deal of fraud and deception was practised by recruiters in including Indian men and women to leave their homes in this way. The people themselves told me how they had been persuaded to come away, and how little they knew of the distance of Fiji from India, and of the conditions obtaining in the colony. How should they, who only know their own little district, be expected to understand how far they would be taken from their own homes, of the impossibility of return, of the complete change in the mode of life entailed, of the increased cost of living, which would swallow up all the extra wages they thought they would be able to earn? Many expressed to me their feeling of utter hopelessness. They said that their honour had been snatched from them, and that since that had gone, nothing else mattered.

European people seemed to be under the impression that the Indian immigrant had but brought an immoral mode of life with him into the colony. As a matter of fact, the home life of the village people in the United Provinces, the district from which most of the Indian people were recruited, is so safeguarded as to warrant the statement that they are more free from social evils than any other people in the world.

Morality safeguarded by a sheltered life fails completely when a people so nurtured are removed from their environment, and social restraints have been taken away. In their new environment such a people lose their innocence, and with it their self-respect. This has proved to be the case in Fiji.

To the Indian, marriage has little civil significance. Its religious significance is everything. In India itself early-marriage is the rule, and caste rule and other social factors are considered in regulating it. For this reason, all marriages according to Indian custom are considered legally valid.

#### Indian Marriage.

In Fiji, however, at present, Indian custom marriages are not valid in the eyes of the law. A civil declaration is considered necessary, and the religious significance of marriage is ignored by the Government. The result has been that the majority of the marriages have not been performed according to Government regulations, and the law does not uphold such irregular marriages. This has led to a loosening of the marriage tie, with attendant evils. One of the greatest evils at present is the trafficking in young girls. Parents will sell a daughter to one man, and then, finding that another man is willing to pay more, take her from the first, on the ground that no civil declaration has been made, and give her to the second. I had several instances of this brought to my notice during my stay in Fiji. Public opinion is such a strong force in India as to prevent such a thing taking place there.

A new marriage Ordinance has been prepared, but as it stands at present it seems scarcely to meet the need with regard to Indians. Unfortunately, very few Government officials have an intimate knowledge of Indian life and custom, which knowledge is essential in compiling such an ordinance. Owing to the special needs and conditions obtaining in Fiji, an ordinance of this kind can only be drawn up by those having a knowledge both of India and Fiji. In the new ordinance, provision is made for the registration of Indian marriage officers and priests, but since no penalty is imposed upon unregistered men who perform marriage ceremonies, the old evils are likely to continue. Yet to impose a penalty would be to interfere with the religious beliefs of the people. Some means should be found of making all Indian custom marriages valid.

One of the great needs of the Indian community in Fiji to-day is that of leadership. The indenture system destroyed communal life and left social chaos. It ignored the fact that the Indian people live under an exceedingly complex social system, and it broke down an age-long organization and gave nothing in its place. It may be argued that this big defect will be remedied in course of time, but at present the colony is sadly lacking in Indian men competent to lead. All the influences of a sane, healthy public opinion are missing; but public opinion depends largely upon leaders. These may be obtained in two ways—by a suitable system of education, and by the introduction of good men as teachers, doctors, etc., from India, who would command the respect of their fellow-countrymen in Fiji. I am certain that the building up of a definite system will do much to purify social life.

Some of the District Commissioners in Fiji are doing everything in their power to help in the development of communal life. In one district the magistrate told me he sometimes referred matters brought to

him for settlement back to a small "panchayat," or Indian District Council, especially in cases of marriage or land disputes. Sometimes the result was satisfactory, but there was danger at the present stage in the fact that there are only very few men able to assert authority, and there was a big temptation to these few to control affairs for their own ends.

The District Commissioners in Fiji on the whole are doing admirable work, seeking to understand the Indian people as well as the Fijians. It was satisfactory to find that some of the magistrates had learnt Hindustani and could conduct cases in the police courts almost without the aid of an interpreter. In view of the fact that the large majority of court cases are Indian, it would be well if all magistrates in Indian centres were expected to acquire a knowledge of at least one Indian language. At present some of the magistrates know little Hindustani and less of Indian life. Under such circumstances the administration of justice must be exceedingly difficult, if not at times impossible. It would be a great advantage if officials who have to deal with Indian problems in the colony could be given an opportunity of going to India in order to study conditions there.

The labour Question      Planters in Fiji are greatly concerned at the shortage of labour, and many consider that the abolition of the indenture system spells ruin to the European planter.

In order to understand the present position, it is necessary to give certain data.

Population of Fiji.      The present population of Fiji consists of roughly, 88,000 Fijians, 61,000 Indians, and 10,000 Europeans and others.

Fijians, as a rule, do not work on plantations for various reasons which it is not necessary to state here.

The Indian population consists mainly of people who were brought out under the indenture system. The term of indenture was five years, and after that time the Indian occupations.      Indian was free to go where he pleased. At the end of another five years he was entitled to a free passage to India. The majority did not return, but made a permanent home in Fiji. With fresh supplies of cheap labour constantly available, neither the sugar companies nor the planters were anxious to retain the services of men whose period of service had expired, except in special cases. The Indians were equally anxious to leave the plantations as a rule, and to settle on land of their own. Some took up areas suitable for the cultivation of sugarcane, but the majority settled away from the cane-areas, in districts where they could grow marketable produce, such as rice, maize, lentiles and tobacco, and keep cows and goats. This is a mode of life to which Indians are accustomed in their own country, and one that is much more congenial to them than plantation life. It must also be realised that, apart from the fact that the-



Indian finds himself in his natural element on his own little estate, there is an added advantage in the fact that he can earn a better living with far less effort on his own land than by working on a plantation, where he is compelled to complete a certain task every day, in wet or fine weather, for a very low wage.

With the abolition of indentured labour a new situation has arisen. Instead of 18,000 indentured Indians, there are less than 5,000 and by November 1921 at the very latest all workers will be free. The planters are therefore faced with a shortage of labour. At present the problem is being partly met by a system of twelve-monthly agreements, the labourer agreeing to work for the term of one year under the same conditions as indentured men and for the same wage, with the addition of a bonus, usually of £7[10]-.

I found that on some plantations the labour shortage was not nearly so great as on others. It is likely that the problem will be more acute on the south side of the island than on the north and west since many free Indians are moving away from the south to the drier and more prosperous districts on the other side of the island.

Certain European planters have a reputation among the Indian people for justice and kindness in their treatment of employees. It is significant that these planters are at present getting as many labourers as they need, while others are having to give up a great part of their land on account of the shortage of labour.

It must not be thought that the question is merely one of wages, though it is certain that a better wage would attract a large number of Indians to the plantations. The Indian agricultural labourer in Fiji is happiest when he can live under conditions approximating as nearly as possible to those obtaining in India itself. This fact may prove a clue to the solution of the labour problem. Planters will probably find that it will pay them in the end to give up part of their land at present under cane and give employees allotments of land, on which separate houses can be built and where cows may be kept and plots of land cultivated.

From various sources proposals have come that Chinese or Japanese labour should be imported. It is very greatly to be hoped that such a step will not be taken. The present moral evils in Fiji are acute enough. We may imagine the pandemonium that would be likely to follow the introduction of people of another nationality. Moral interests should precede commercial interests. This point cannot be emphasised too strongly.

The General Hospital in Suva is the only public hospital in the colony to which Indians are admitted.

There are, however, plantation hospitals in which indentured and free plantation employees are treated. Other Plantation Hospital. Indians are also admitted on payment of 2/- per day, or without charge if destitute.

These hospitals are subject to the regulations contained in the Indian Immigration Ordinance, with regard to buildings, equipment and staff. The district medical officer visits the hospital usually three times a week.

A hospital superintendent is placed in charge of each plantation hospital. These men are not qualified doctors, but have had some experience of medical work. There are also in each hospital an Indian sirdar, or male-attendant, and an Indian "dai" or nurse. These women are without training, though some become competent through experience. There are no trained women at all in charge of women's wards, but a trained nurse has recently been appointed Matron at the Penang Hospital under the Melbourne Trust.

The dispensaries and operating rooms are well fitted and equipped. The best drugs and medicines are used. The wards are large, airy, and clean, and are surrounded by wide verandahs. The wards are practically destitute of furniture except for a few beds. The patients, I am told, prefer to sleep on the floor, and they usually spend their days on the verandahs. These are enclosed by wooden battens, three or four inches apart, this being considered necessary in order to prevent patients leaving the wards at night.

The main diseases being treated were:—Sores and wounds, skin disease, bronchitis, tuberculosis, ankylostomiasis (hookworm), dysentery, and venereal disease. There were also some maternity cases, though I noticed that the number of these was very small.

Since the number of indentured Indians has been reduced, the hospitals have become almost empty. In one hospital, built to accommodate 1,920 patients, there were only 20, including men, women, and children. "Free" people do not as a rule avail themselves of the benefits of the hospitals; and women have a strong objection to being treated in them.

My impression of the hospitals was that very good work was being done both by the district medical officers and by the hospital superintendents; but that the buildings were bare and cheerless, and that no real nursing was attempted. It was very evident that no competent women had taken part in the planning or the staffing of the hospitals. The lack of little comforts and refinements that mean so much to sick people was most noticeable.

I went into the question of the prejudice of free people against the hospitals, and was told by the doctors and hospital superintendents that the reasons for this were the objection of free people to being treated with indentured, the general belief that a hospital is a place to die in, the dislike of restraint and of being separated from home and friends in time of sickness, and their fear of being treated by a foreigner, and by methods that were strange to them. The Indian people themselves gave these and other reasons. They object to their women being treated by men, and especially by men other than qualified doctors; and they also feel that 2/- a day is too large a sum for them to pay while in hospital.

In India the main objections and prejudices have been largely on the women's side by the institution of women's hospitals, staffed entirely by European and Indian women. The splendid medical work accomplished by "Dufferin" doctors and nurses, and by women's medical missions in India, should indicate the best method of approaching the medical problems in Fiji. It is true that there are difficulties, but these do not appear to be greater than those experienced in India itself when Lady Dufferin instituted her Association in 1880.

Doubt was expressed by some Europeans as to the possibility of getting suitable women to take up such work. I was informed that several nurses in the Suva Hospital had resigned, and that the reason seemed to be that they disliked the work in Fijian and Indian wards, though that was not the reason given by the nurses themselves. Several hospital superintendents expressed the opinion that the work was too repulsive to ask European women to do, and they also felt that the life would be very lonely for women in isolated districts. There certainly would be no attractions for the ordinary medical woman, and the only women likely to undertake such work would be those who did it from humanitarian and missionary motives. Indeed, they are the only women who would be of any use in the colony. I cannot believe that no such women are available in Australia, as has been suggested. Would it be possible to form a strong association whose object is, in the words of Lady Dufferin, "to bring medical knowledge and medical relief to the women of (Fiji), an association which should carefully avoid compromising the simplicity of its aim by keeping clear of all controversial subjects and by working in a strictly unsectarian spirit command the support and sympathy of everyone in the country who has women dependent upon him"?

It has been suggested that Indian medical women might be available for work in Fiji. Unfortunately there are all too few women qualified for such work to meet the need in India itself, and I do not think the prospect of finding such women a very hopeful one.

As well as the work of rendering medical aid to Indian women, and of the exercise of a healthy moral influence upon those patients who come under her care, an equally important function of the medical

woman would be the training of Indian women in the service of their fellow country women. At present no Indian men or women in Fiji are being trained in medical work. Unfortunately very few boys, and fewer girls, have received even an elementary education, such as would be necessary before entering on a course of training in nursing or dispensing. I met some, however, whose parents said they would be quite willing for their daughters to be trained as nurses, provided that suitable supervision and hostel accommodation could be guaranteed. This they considered most important, and can be well understood by those who realise the special temptations in Fiji.

Two of the **Methodist Mission** sisters are trained nurses, and are doing most valuable district work, and, in addition, actually manage to run boarding schools! It would be well if these women, who have won the respect and confidence of both Fijians and Indians, could be entirely set apart for district nursing work.

By 1921 all men and women at present under indenture will be free, and plantation owners will presumably be no longer required to provide hospitals, since this was only required by the Immigration Ordinances. It has not yet been decided what the Government policy with regard to hospitals will be.

The present hospital system is very unpopular, and now, when a new order of things is coming into being, seems to be the time to re-organise and plan for the future. In India and elsewhere a Government hospital scheme supplemented by missionary and other voluntary agencies, has proved most satisfactory, and in Fiji the same may be found true. Hospitals run in accordance with such a scheme would provide medical aid for the whole community, not merely for a small section.

A report on the social condition of Indians in Fiji would be incomplete without reference to education. Until 1916 the Government of Fiji seems to a large extent to have overlooked the necessity of education for Indians and Fijians in the Colony. In 1914 there were only one Government and two aided public schools, with an average attendance of 365. The total expenditure on education in that year was £3,312. No part of this amount was spent on Indian education.

Practically the whole burden of the education of Fijians was taken up by the **Methodist Missionary Society** of Australia and the **Roman Catholic Mission**. Almost all Fijian children attend school, and are able at least to read and write.

Within recent years both missionary societies have also extended their educational efforts to the Indian people. The **Roman Catholic Mission** has an Indian School in Suva, with about 130 pupils, and the

Methodist Mission has about a dozen schools with about 600 pupils. Apart from these, there are a number of small schools, managed by the Indian people themselves.

In 1916 an Education Ordinance was passed in the Fiji Legislative Council, and a Board of Education was formed, with powers to establish, regulate, and control Government schools and to grant aid from public funds to schools under denominational or private management."

The delay in recognising Government responsibility for educating the people has resulted in big problems, which cannot be solved in a day. The problems relating to Indian education are much more acute than those relating to European and Fijian.

Perhaps the main difficulty is that of finding suitable teachers. Practically the only educated members of the community are at present employed in Government offices, etc. The masses of the people are illiterate—(last year, 1917, only 1.5 per cent. of the Indian population attended school)—and it will therefore take several years to prepare suitable men as teachers. The Methodist Missionary Society of Australasia assists by appointing educational workers from Australia to schools under its control, and also by a teachers' training school. These missionaries are doing noble work, but their numbers are quite inadequate to meet the need.

Arrangments are being made for a large Government School for Indian boys near Lautoka. The Fiji Board of Education is attempting to get teachers for this school from India itself. The idea is a good one, but very much will depend on the type of men sent out.

A suitable education scheme for Indians has not yet been worked out in Fiji. The same syllabus of instruction is issued for Fijian and Indian schools—as though it must be taken for granted that two races, entirely different in almost every way, need exactly the same type of education. However, experience will show the special needs and capacity of each people. There is scope as well as urgency for a great deal of experimental work in this direction.

Educational workers should be given the opportunity of studying Indian life and ideals, as well as Indian languages. This is very important, and is in danger of being overlooked. Only those who understand the life and needs of a people are capable of preparing the children to take their place in life as members of their own community. There is always a danger

of foreign teachers exercising a denationalising influence—and this can be best met by making every effort to get in sympathetic touch with the thought and custom of the people concerned. It would be well if all European educationists, before taking up work among Indians in Fiji, could first spent at least a year in India itself. The reasons for this are obvious. Indian life in Fiji has become corrupt and degraded. Indian ideals, customs and languages can best be studied in India.

It was somewhat strange to find Indian children being taught almost entirely in English, because although in their own homes no English is used, the teacher knew very little Hindustani. In some cases the teachers had acquired some knowledge of Hindustani or another Indian language, but in the main the medium of instruction in English.

The language problem is not easy to solve, for in each district several languages are spoken, including Hindi, Urdu, Tamil, Telugu, Malayalam and Kanarese. When it is urged that all elementary education should be through the medium of the vernacular, the question arises—which vernacular? It is usually found that the people from Southern India acquire a knowledge of the northern languages, and so in most of the schools it may be practicable to make Hindi or Urdu the medium of instruction.

In a few districts, however, where Tamil and Telugu speaking people have settled in fairly large numbers, it would perhaps be possible to teach through the medium of the vernacular predominant in those districts.

Very few Indian girls are attending school, mainly, perhaps because the people do not consider it necessary for girls to be educated; but also because there are no separate schools for girls, and parents object to sending their daughters to be taught with boys. For this and other reasons separate schools should be provided for girls.

Another difficulty lies in the fact that the Indian people live in very scattered districts. It will be much more expensive to organize education in the many small schools required scattered over a large area than to work out a system which would be suitable for a few large schools in more thickly populated districts. However, since the future prosperity of the colony depends to a very large extent on a right training of the children, it behoves the Government to do everything possible to encourage and provide facilities for education in every district.

The Superintendent of schools (European, Fijian and Indian) realises that a suitable system of education for Indians can only be worked out by educationalists who are prepared to study the special needs of the Indian people, and therefore, although the present syllabus of education is somewhat rigid and stereotyped, and unlikely to commend itself to modern educationalists, freedom and scope would be

given to those who are anxious to work out a suitable scheme in their own schools.

The following general conclusions are suggested as of primary importance for the reconstruction of Indian community life in Fiji:—

1. All indentures should be cancelled at as early a date as possible.
2. Every possible means should be taken to bring about a normal sex ratio. The evils arising from the unnatural sex proportion are by far greatest to be contended with. The worst possible feature is the way in which quite young girls are literally sold to the highest bidder. All sense of decency and chastity is lost where such conditions obtain.
3. The coolie lines are entirely unsuitable for married people. Separate houses should be built for them. It has been shown that privacy is impossible in the lines and that no proper home life is possible.
4. Women doctors and certificated nurses should be appointed to all hospitals and dispensaries where women are treated.
5. The hope for the future well-being of the colony lies in the children. Every possible means should be taken to counteract the demoralising influences of Indian life in the colony. A suitable scheme of education will do much to accomplish this.
6. The new marriage ordinances should be revised so as to make all Indian custom marriages legally valid. (This should not preclude the necessity of registration.)

FLORENCE E. GARNHAM.

## SECTION II.

### Resolutions and Correspondence concerning the Poll Tax in Fiji.

#### RESOLUTIONS.

**Note.**—A meeting of the Suva Chamber of Commerce was held on 5th August, 1922.

The meeting recommended, by a majority of nine votes to seven, that:

“The Government be advised to impose a poll tax of £2 per annum upon all male adults in the Colony, including Fijians, the ages to be between 21 and 55 years. All aliens to pay double that paid by British subjects.”

(The minority favoured the tax being £1.)

(a) The following resolution of the Indian Community was passed at a Meeting held at the Town Hall, Suva on 13th December 1922:—

“This representative meeting of Indians is of opinion that the suggested imposition of the residential, or poll, tax, of £1 per head per annum, on male persons between the ages of 16 and 60 years, is inopportune, as the wages of Indian labourers have been, of late, reduced by the Colonial Sugar Refining Company, Limited, and other employers, including the Government, and it will create great hardship and suffering on the very great majority of Indians resident in Fiji, on account of their being already in a most distressed and sorrowful condition, and will mar the progress of the Colony; and respectfully advises His Excellency the Governor not to assent to, and the European community to be so generous as not to persist in, its being levied.

“This meeting is of opinion that a copy of this resolution be handed to the Honourable Badri Maharaj, to be forwarded to His Excellency the Governor for transmission to the Right Honourable the Secretary of State for the Colonies, also to His Excellency the Viceroy of India, by telegraph, and to the Press in Fiji and India.”

(b) A representative meeting of Indians of Navua, Suva, and Rewa was held at Samabula on April 8, 1923, and was very largely attended.

The following resolutions were moved, seconded, and passed unanimously:—

This meeting of representative Indians of the districts of Suva, Rewa, and Navua, is of the opinion that:—

1. The Indian and Fijian nominated members and the European elected members of the Legislative Council be requested to vote against the passing of the Residential Tax Bill into an Ordinance of the Colony.
2. The Government of Fiji be requested to allow the Government nominated members of the Legislative Council to exercise their rights of voting in favour of, or against, the passing of the Residential Tax Bill as an Ordinance of the Colony.
3. If the Residential Tax Bill is passed, the Right Hon. the Secretary of State for the Colonies be asked that His Majesty the King may be asked to exercise his power of disallowance in respect of the Residential Tax Ordinance, and that His Excellency the Governor be requested to telegraph this resolution to the Secretary of State.
4. This meeting deplores the policy of the ‘Fiji Times and Herald’ of misrepresenting Indian matters, which that paper has been adopting for a long time and appeals to His Excellency the Governor for protection.
5. That the President of the meeting be requested to forward a copy of Resolution No. 1 to the nominated and elected



members of the Legislative Council, and copies of Resolutions Nos. 2 and 3 to His Excellency the Governor.

6. That further discussion regarding the future attitude of Indians in the event of the tax being passed, be deferred until after the adjournment of the Legislative Council.

### CORRESPONDENCE.

The following letter was published on Jan. 18, 1923, in the "Fiji Times and Herald" from the Rev. R. Piper, who has been for 16 years a missionary in Fiji:—

"The Fiji Government is financially embarrassed. It is also exhibiting a bankruptcy on the realm of sound ideas. The desperate fiscal expedient of a poll tax is symptomatic of such a condition. The attempt to dub this proposed imposition a "Residential Tax" will not camouflage its nature, or hide its real name. Let us call a spade a spade. The proposed tax is nothing more or less than an ungraduated poll tax.

According to information supplied to me, I understand the Government proposes to impose a poll tax of £1 on every male between the ages of 16 and 60, Fijians only being excepted. A sum of £28,800 appears on this year's estimates as the proceeds of this tax; although the ordinance authorising its collection has yet to be passed.

In company with many others in this Colony, I wish to protest against this attempt to insinuate this detestable form of taxation into the fiscal system of the Colony. Something may be said in favour of a capitation tax in the case of Fijians living under a communal system, and all on the same dead, monotonous level. The fact that such a tax works amongst Fijians is indicative of the backward condition of these people. Such taxation cannot be effective in a community where wealth is not evenly distributed, social conditions are most uneven, and industries are not developed to any extent.

### THE VERDICT OF HISTORY.

After Wat Tyler's Revolt, it was abandoned in England for nearly 300 years. After occasional attempts to revert to it in the 17th century, no further attempt has been made to revert to this form of taxation, which has become anathema. Yet, from time to time, we see attempts being made by Colonial politicians to foist this execrated tax upon people who have no effective form of protest through the Legislature, and who, as a consequence, are actually goaded on to passive or active resistance to the Government, as in the case of the Peasants' Revolt under Wat Tyler.

It was the imposition of the poll tax of £1 a head after the Boer War that precipitated the rebellion in Natal, and led to the conflict between the local administration and the Home Government. The Zulus were, of course, mainly concerned in this unfortunate commotion. The Indian people in Fiji will be severely penalised by this tax, since over 90 per cent. of the proposed tax is calculated to come from them. These are a subject people without political franchise or fair representation. They are already contributing a very fair share to the revenue of this Colony.

To hit the Indian below the belt in this way is an un-British act, and the manner of doing it by means of the poll tax is reprehensible.

Strong statements of this character should be substantiated. I, therefore, briefly state:—

#### THE CASE AGAINST THE POLL TAX.

##### (1) It is Unfair in its Incidence.

It violates the first principle of taxation, which in Adam Smith's words, are:—

“The subjects of every State ought to contribute to the support of the Government as nearly as possible in proportion to their respective ability.”

No one can justify an ungraduated and indiscriminate poll tax, where income and per capita wealth are so uneven. The *Encyclopaedia Britannica* gives its judgment on this point—“the episode of the poll tax may be regarded as an attempt—fortunately unsuccessful—to relieve the propertied classes at the expense of the peasants and poorer burghers.” (See article on English Finance.)

Poll taxes, once common, are now rare. They fall unjustly, because they tax the poor man and the wealthy man equally, and bring in too little revenue at large expense.

#### “LET THE INDIAN PAY.”

There are a number of people who, although admitting that the tax is repugnant to our political sense, would accept it in order to make the Indian pay more. With this kind of argument I have no sympathy.

#### THE INDIAN DOES PAY A FAIR SHARE.

Let any unbiassed person study the revenue returns of this Colony, and he will see that this is so.

Tako Customs: Drapery, sharps, ghi, matches, edible oils, kerosene, soap, tea, tobacco, and other leading sources of Customs revenue.

The method of preparing statistical information does not permit us to get at the exact amount contributed by indirect taxation. My own estimate is that the Indian pays between thirty and forty thousand of the Customs revenue.

As for licences, the amount cannot be much short of £5,000.

Most of the stamp duty comes from Indians, probably £6,000.

He pays high rents for his lands, of which the Government collects its tithe.

Although these figures are only rough approximations, yet if all the Indian contributions could be properly tabulated, I feel sure it would be found that they are bearing a fair share of the taxation, all things considered.

To dun them specially for over 90 per cent. of a new direct tax is not a fair deal, especially in view of the next consideration.

(2) **"No Taxation without Representation."**

This principle is the foundation of the British Constitution. The prerogative which found its source in Magna Charta is, as Green says, "the greatest constitutional change which our history has witnessed."

It was the violation of this principle that led to the American Revolution, and the consequent loss of our North American Colonies.

Surely we are not going to negative this principle at this time, which brings me to the third count against the tax.

(3) **It is an Impolitic Move.**

"The most unjust and impolitic of all things—unequal taxation." (Burke.)

If the Government were to give the Indians political franchise, or fairer representation, they might have some kind of a leg to stand on in making the payment of a capitation tax, a necessary preliminary to the exercise of the suffrage (as is the case in some of the American States of the Union.)

The proposed tax will be a vexatious and mischievous political move at a time when India is pressing the claims of her Indians abroad. It will stiffen opposition to Fiji at a time when good-will and a conciliatory policy are in the best interests of this Colony, and the Imperial cause of facilitating the Reform Measures now operative in India.

"Nothing excites so much feeling in India among all sections of Indians as the disabilities to which they are subjected in some of the self-governing British Colonies." (See Ency. Brit. Year Book, P. 610.)

Although Fiji is a small and remote Crown Colony, it is used as a political sounding board in India, and the progress of events here is followed in a way out of all proportion to the comparatively insignificant Indian population here. To change the figure of speech, Fiji, Kenya, South Africa, have become sensitive nerve centres of the vast Indian Empire.

(4) The most Difficult and Expensive of all  
Taxes to Collect.

“They bring in too little revenue, at a large expense.”

On paper, it is simple as A. B. C.: There are, according to the census, some 26,000 males between the ages of 16 and 60, therefore £26,000 can be raised by charging £1 per head.

Are there, however, that number able and willing to pay? Over 90 per cent. has to come from the Indian community. When we come to consider a large section of these people living on a small daily wage, many with large families, and the infirm and invalid dependent upon others, the estimated revenue is surely fictitious. There is also a numerous class of Indians who can, and will, evade the payment of this large amount, and, even if caught, propose to take free board and lodging at Government expense. Others, of a better class, with some sense of their political rights, propose passive resistance.

If the incidence of the tax is not altered, the whole business will degenerate into an unseemly contest between tax collectors and elusive and recalcitrant Indians.

The proposed sop of a small return in medical aid will only go for what it is worth. There is surely a better way of meeting the present financial stringency.

Indians are not wanting in the finer feelings that respond to public needs. There are plenty of Indians doubtless who will willingly pay £1, or even more, to help the cause of good government. But do not let us, in view of that fact, baulk another fact which is not quite as clear to some people, that a large section of the Indian community cannot find a £1 poll tax without being unjustly and inequitably burdened.

LET US FIND SOME OTHER WAY.

Apparently the Treasurer must raise additional revenue to balance proposed expenditure.

First of all, has the proposed expenditure been sufficiently reduced? Is it wise, during one of the worst years in the history of the Colony, to spend £12,000 on a trunk road? Is there any advantage in building a road to open up new country for settlement when the settled parts containing the best land are being shut down?

If the present economical and political causes are not abated and controlled, some of the finest lands in the Colony will lapse back into weed-infested tracts, or dense jungle. Anyone who marks the areas of land going out of cultivation, and the depreciation that is unchecked, cannot but feel that expenditure of this sort may be long-sighted but still inadvisable. In a few years of regained prosperity the Colony could make up any loss of time on such developmental work, and have the task approach completion without delay in the long run.

The Colony has "to act in the living present," and meet the causes of her decay.

When this large item, and possibly other expenditures, are pruned off for this year, let us explore other more creditable ways of raising revenue.

If we must have direct taxation, the widening of the scope of income tax might be considered. All men on salaries can pay something in this way. I do not pay income tax, but surely if an Indian with a family is adjudged capable of paying a direct tax of £1, when his weekly income is in the region of 10 or 12, a European in receipt of over £200 per annum can pay in proportion.

A lot of European wage-earners would find it hard to pay a capitulation of £5, yet it would not be out of place, if you ask the poorer Indian wage-earners to pay £1.

There is another form of direct taxation that has been repeatedly urged upon the attention of the Government by leading men—land taxation. It is, in modern States, the most approved form of taxation. The Fijian Government has gone through practically the whole gamut of taxation, but avoided land taxation for others less remunerative, and less provocative of industrial development.

Owing to the peculiar tenure of native lands, it may be necessary for purposes of taxation, to regard them as Crown lands, but the whole of the "freehold" lands of the Colony and all lands leased from the natives could come under a well-designed taxation.

The Indian community would contribute a fair share of this revenue as lessees of native lands.

A scheme is before me at this time of writing to illustrate how this form of taxation could be imposed, but it cannot come within the scope of this article.

To sum up the position: I would say that the proposed ungraduated poll tax is **unfair** in incidence; it is **unjust** in its negation of the principle, "no taxation without representation."

It is **impolitic** to place a burdensome tax on a large proportion of the Indian community at this present juncture.

It is **unnecessary**, since the financial position can be met by further reduction of expenditure and an increased income from better approved fiscal measures.

These views are, of course, expressed as a British citizen keenly interested in the best welfare of the Colony, but are not necessarily ex cathedra.

The following leading article was published in

"The Pacific Age," April 21, 1923.

Perhaps it will not be considered out of place if we avail ourselves of the opportunity afforded by the adjournment of the Legislative Council to endeavour to show that the proposed Residential Tax is a measure which will, in the long run, be detrimental to the best interests of the Colony, and no credit to those who are instrumental in placing it upon the statute books, in which, we fear, it will appear as a blot. We had hoped that, in his address to the Council, His Excellency the Governor would have spoken words that would have convinced us that the imposition was justified, fair in its incidence, or absolutely a necessary evil, but we were doomed to disappointment. All that His Excellency did say was that, in his opinion, it was a moderate and reasonable measure. He reminded the Council that it could not be called hasty legislation, as he had indicated, as far back as April, 1921, that it might be expedient to extend the principle of direct taxation. He called the Council's attention to the fact that Fijians pay a poll tax, and then suggested that, as the prevailing conditions had improved, it was right that some tax should be imposed which would replace the repealed Hut Tax. With regard to the principle involved by the imposition of this tax, or its fairness of incidence, His Excellency said nothing at all, nor did he demonstrate that there was no alternative.

Now, the first and foremost reason why we think the Residential Tax should never be placed on the statute book is that it is only estimated to realise £20,000, and cost about £4,000 to collect. Even if things turn out as the Treasury expects, we think that the price of collection is altogether too high, but we fear that the estimate made will turn out to be much too low, and that the collection expenses will be completely out of proportion to the amount which the tax brings in. The second great objection to the tax is its utter unfairness of its incidence. It is a tax which is going to penalise the poor man more than the wealthy one and the poorer the taxpayer is, the worse the burden will be, be he white, black, or brindle. To the labourer in the field, the man we are supposed to consider so much it will mean something like 12 days' wages, to his sirdar it will mean perhaps five days' wages, whilst to the estate manager it will be about one day's earnings. In a like way, in the stores it will be an impost which is heaviest upon the Indian "store boy," and its burden will get lighter and lighter as it goes up the scale, past the counter hand, the department manager, the general manager, until it comes to the managing director, by whom it will not be felt at all. Exactly the same in the Government service, it will hit the lowliest, and hardly be noticed when it comes to those who have the say in making such laws. For this reason, we think that there was not the least justification for His Excellency to describe the tax as "reasonable"; nor, seeing that it will take 12 days' pay of the labourer, which must be paid on one certain day, specified by law, do we agree with the Governor when he opines that the tax is "moderate." With regard to the fact that the Fijian has to pay a poll tax, we can only

say that we cannot see how that sad fact argues in favour of other people also paying one. Two wrongs have never yet been known to make one right, and the absolute unfairness of the Fijian tax has so often been commented upon that we were of the opinion that every member of the Legislative Council, including His Excellency the Governor, held the view that it should be abolished at the earliest possible moment.

Commenting upon His Excellency's statement that the tax could not be said to be the result of hasty legislation, as he had indicated, as long ago as April, 1921, that the principle of direct taxation might have to be extended, we can only remind him that the giving of a reasonable amount of representation to all sections of the community has not been hastily considered or dealt with, and such representation might, to some little degree, justify the direct taxation, if it were not fixed at a flat rate, and, for that reason, so exceedingly unfair in its incidence.

As we have already said, the tax will produce but a small amount, and be costly of collection, whilst it is not a tax which can very well be varied on a sliding scale according to the measure of the Colony's prosperity. It is, therefore, not describable as a convenient tax, from the administrative point of view. It appears to us that it has been hit upon as an easy way of raising a certain sum, which was wanted in a hurry in order to apparently balance the budget, and it is very pathetic when it is considered what heart burnings there are over the raising of this £20,000, whilst the Secretary of State calmly makes away with £58,000 of the Colony's revenue. It appears that a tax must be imposed which will burden the poor man more than the wealthy one, whilst every concession and sop is thrown to the biggest and richest company in the Colony. We have then little hesitation in saying that, in its application to every section of the community which it concerns, the Residential Tax, as it appears in the bill, is as unreasonable and unfair in its incidence as any tax well could be.

It is of little use to criticise and destroy without making an effort to build up and replace, and as we are to be faced with fresh taxation to make up for the export duties next year, it will doubtless be for the Taxation Committee to meet once more. Let us hope that the Residential Tax Bill for this year will be withdrawn, whilst the whole of the Colony's taxation is reviewed. It seems useless to sit down and think out new taxes to add on to the old: and it would appear the time had come when a revision must be made on the broadest of lines. There can be little doubt that the import duties afford the fairest field for taxation, especially as they offer such excellent scope for discrimination, and though some of our duties are high, we believe that they are not as much as those which are collected in other Colonies, and that they offer the best channel through which extra revenue can be raised.

There seems little doubt that a careful review of the whole of our customs tariff, duties, specific and ad valorem, would result in the Treasury officials being able to increase the revenue considerably, and, at the same time, collect the money indirectly from every section of the community in due proportion. One farthing per lb. on flour and sharps would

return some £12,000; one halfpenny more per superficial foot on timber would bring in £11,300; a penny per lb. on salt would mean £4,800; 2½ per ton on coal would realise £2,200; one penny per gallon on non-edible oils would bring in £3,700; sixpence per gallon on edible oils would produce £1,400, and the Indian would pay a big share of it, as he would of the duty on sharps and flour; two-pence per lb. on tea would mean £1,500, and an increase of two per cent. on drapery would give the Treasury another £3,400, and such things as dhall and ghi could stand a further burden. We merely mention the above items in an endeavour to show that, by very small extra impositions upon every day articles, none of which, we think, would lead to any hardship whatever, a sum of well over £40,000 could be raised, and its collection not cost the Colony one penny extra; the machinery is there.

We have attempted to argue against the proposed tax as much as possible on the matter of principle, and we would not attempt to reply to those absurd people who express their approval of the measure because it will make the Indian pay. We say that if it burdens the poor man more than the rich, it is the reverse of scientific or equitable; no matter whether that man is European, Indian, Chinaman, or Halfcaste. It is clear that it is a tax which will be costly to collect, and which cannot be raised and lowered according to the state of the Colonial finances, and we most sincerely hope that it will never become law, to the discredit of the administration.

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The following questions, asked by the Hon. Badri Maharaj, were to have put at yesterday's Legislative Council meeting, but were not included in the business done, as the Council adjourned *sine die* consequent upon a motion following the reading of the Address-in-Reply:—

(1) Will the Government be pleased to inform me:—

(a) The number of children of school-going age (say from 5 to 15 years) in the Colony of Fiji; also the number of such children of other nationalities, excepting Fijians?

(b) Of the amount of money spent from the revenue of the Colony on the education of Indian children during the year 1922, also the amount of money spent on the education of children of other nationalities, excepting Fijians?

(2) Will the Government be pleased to state if it is proposed to establish a public school for Indian children in Suva; and, if not, will the Government state its objections, if any, to the Indian children being admitted into the Grammar Schools; and, if so, will the Government consider the advisability of admitting Indian children also?

(4) Will the Government be pleased to state:—

(2) The number of Indians resident in the Navua district; and

(2) what medical facilities they are having since the removal of the European doctor from that district?



(5) Will the Government be pleased to state when it is proposed to train Indian girls as nurses and midwives?

(6) Will the Government be pleased to state if it is proposed to fix the minimum wage of labourers in Fiji by law?

(7) Will the Government be pleased to state the amount of revenue collected from Indians during the year 1922, from the following sources:—

- (a) Store licences?
- (b) Hawkers' licences?
- (c) Other trading licences?
- (d) Dog licences?
- (e) Import duties on Indian goods?
- (f) Fines?

(8) Will the Government be pleased to inform me of the amount of money estimated to be collected from Indians through the residential tax from—

- (a) Indians?
- (b) Europeans?
- (c) Chinese?
- (d) Japanese?
- (e) Solomon Islanders?
- (f) Others?

(9) Will the Government be pleased to state if it is proposed to earmark the amount of money to be collected from Indians, through the residential tax, for the advancement and benefit of Indians resident in Fiji; and, if not, what proportion of the amount will be used during the year 1923 for the above-mentioned purpose?

(10) Will the Government be pleased to lay on the table of this House all the correspondence between the Government of Fiji and the Secretary of State for the Colonies on the questions of—

- (a) The residential tax?
- (b) Equal status and franchise for Indians in Fiji?

The following letter appeared in the 'Pacific Age' on April 26th, 1923, with reference to the Residential Tax, commonly called the Poll Tax:—

Sir,—Your able leading article of the 21st inst., on the residential tax cannot pass without some compliment, and the poorer classes, particularly the Indians of the Colony, must feel very thankful to you, for taking up this question, and pointing out the unfairness of the coming tax. Your article should receive the earnest consideration of the Government and the legislators of the Colony.

In advocating the proper taxation, and in pointing out several items from which more than the required revenue could be collected; there were other items which might have been mentioned, such as doubling the arms

and country trading licences, whilst an increase of 50 per cent. in all town licences, proceeds to go to the Government, would bring in several thousands of pounds, and the income tax could also be increased.

There is little argument of the taxation of the native Fijians; although quite a lot has been said against it in the past, it is a regrettable fact that it has not yet been abolished. An able-bodied Fijian, with less than five children, pays 18/- as Government tax and a similar amount as provincial rate, in return for which the Fijian enjoys great communal benefits. He pays practically nothing through the Customs, licences, or any other indirect revenue. The Fijian is the land owner of the Colony, and also becomes a part owner, by paying the provincial rate, for anything that has been acquired by the provincial fund, such as cutters, boats, etc. That money is solely utilised for the natives' benefit. The Government, out of the public fund, pays a large amount in salaries to various officials, and numerous clerks, rōkos, bulis, provincial scribes, native magistrates, native medical practitioners, special town police, etc., to safeguard the Fijian's welfare. The Government acts as agent for him in arranging contracts, leasing lands, collecting rents, and distributing same to various balis and mataqalis. There are numerous primary and high schools for them, supervised and financed by the Government, and natives are educated outside the Colony at the expense of general revenue etc., etc.

We are not grumbling nor envying the native Fijians the good things provided for them, but rather wish them well. But as over 90 per cent. of the residential tax, when levied, will be collected from Indians, it is quite natural that we must be anxious to know what we will receive in return. Will we Indians receive as much (or any) benefit as the Fijians even by paying another 20/- per head, besides contributing in many indirect ways?

It is earnestly hoped that the cruel bill will never be allowed to become law, and mar the progress of the Colony.

PATRAS.

**The following letter was sent to the Governor in reply to his comments in his address to Legislative Council on Indian matters by the Hon.**

**Badri Maharaj and Ilahi Ramjan**

(The Hon. Badri Maharaj is the nominated Indian member of the Fiji Legislatures Council. Although not responsible to his countrymen, he has set out the true position of Indian matters fearlessly. Mr. Ilahi Ramjan is the president of the Indian Association.)

Suva, April 12, 1923.

Sir,—With due respect to His Majesty's representative in Fiji, we must say that we cannot agree with Your Excellency that the burden of this Residential Tax of £1 per annum, which amounts to 12 days' wages of a labourer, at the rate of 20d. a day, is a light one nor do we agree

that there has been a "considerable" improvement in the condition of our countrymen since the abolition of the hut tax; in fact, our condition is worse than it was in 1920.

We would have been thankful to Your Excellency had we been told in what matters the Government had "sought to protect our interests with studious care."

In conclusion, we desire to make it quite clear that as long as

(1) the Residential Tax, and certain other Ordinances which are most humiliating and degrading to us, remain in force;

(2) the condition of the wage earners and primary producers of not only sugarcane, but other crops, does not materially improve;

(3) better facilities of education for our children are not provided; and

(4) the undertaking given by the Fiji Government to the Government of India, of making our status in Fiji equal to that of other residents, is not fulfilled,

there should be no hope entertained for a renewal of immigration from India.

In sending this letter, we are doing our duty, as loyal citizens of Fiji, in the interests of the progress and welfare of the Colony.

The following letter was sent by the Senior Elected  
Member of the Legislative Council of Fiji to the  
President of the Indian Association, Suva

16th April 1923.

Sir,—I have to acknowledge receipt of your letter of 9th inst., enclosing copy of a resolution passed at a meeting held at Samabula on 8th inst.

Almost all forms of taxation are unpopular, and no Government desires to introduce new forms of taxation. Unfortunately, the Government is in the position that additional revenue must be raised. I realise the arguments against this tax, but I ask you to consider a few points:—

(1) Native Fijians, who are the original inhabitants of this Colony, have to pay a direct tax to the Government, besides District and Provincial taxes. For many years past some Fijians have thought it unfair that they should be the only class of the community subject to direct taxation.

(2) Two or three years ago an Income tax was imposed, under which fairly large amounts are collected from people with incomes above a certain limit. The lowest rate of income tax is 5 per cent., or 1/- in the pound.

- (3) The Residential Tax will not apply to Indians only, but to all nationalities, except Fijians.
- (4) The Government has just lately agreed to surrender the export tax on sugar, so as to secure higher prices for sugarcane, and some increase in wages of Indian workers.

It is hardly justifiable, when money is required for the Treasury, to oppose one tax without suggesting some alternative, and suitable alternatives are very hard to find at the present time.

I hope that, with improved conditions, the tax will prove less burdensome than you at present anticipate.

J. M. HEDSTORM,

The following letter was sent in reply to Sir Maynard Hedstrom by the President of the Indian Association, Suva.

Dear Sir,—I have to thank you for your letter on the question of the Residential Tax, and am very pleased to note that you realise the argument against the imposition.

With regard to the points to which you direct our attention, I would point out the following:—

- (1) The tax on the Native Fijian would appear to be very unfair, and its repeal has practically been promised. We cannot admit that two wrongs make one right.
- (2) The income-tax also applies to Indians who have sufficient incomes to pay it. We would welcome an increase in this as one of the alternatives to the Residential tax.
- (3) We agree that the Residential Tax will apply to others than Indians, but would point out that Indians are in the majority and also supply the majority of agricultural labourers, a class which we maintain should be taxed as little as possible. To the Indian labourer of this type the tax will mean 12 days' wages, whereas it will not mean anything like that proportion to others who have to pay it.
- (4) We note that the Government has just surrendered the export tax on sugar and molasses. We cannot agree that it was done in order to secure the higher prices mentioned, but it appears to have been done to save the Colony from a very difficult situation, created by the Secretary of State. Even with this small increase in wages, the Residential Tax amounts to 12 days' pay for labourers.

If the extra revenue must be raised, we pray that you will, in the Legislative Council, move for it to be raised by an increase in indirect taxation, towards which everybody must pay in fair proportion. We ask this for the good of the Colony, and tremble to think what taxation will be like, in comparison to average wealth,

next year, when the money which would have been found by the export duties on sugar has to be produced otherwise. We can only see that the Government is taking taxation off the sugar company, which is well able to pay it, and putting it on to the people who cannot.

Note.—Since the publication of this correspondence the Bill which makes legal the Residential Tax has been passed and as a protest against the Tax which invidiously strikes at the Indian Community the Hon. Badri Mahraj has resigned. We have received cable news in India at the same time that instead of one nominated Indian member two elected members from the Indian Community may be chosen for the Council on a separate electoral roll. As the number of Europeans on the Council (officials and non-officials) is very large indeed this Indian representation by communal franchise is entirely inadequate.

## CHAPTER VI.

### INDIANS IN BRITISH GUIANA

#### A BRIEF HISTORY OF INDIAN EMIGRATION.

The indenture system of Indian labour had been started in the year 1834, soon after the abolition of slavery. It was definitely intended to take the place of the slave labour in the sugar plantations of the British Colonies. At first it was introduced in Mauritius. Afterwards, it was carried still further over the seas to the West Indies. British Guiana received the new labour system as early as 1838. It was then extended to Dutch Guiana, Trinidad, Jamaica. Later on in the century it was introduced into Natal and Fiji. For a short time, also, it was tried in the Federated Malay States, but it was quickly abandoned in favour of a system of free labour. In Ceylon, it was found by the planters, that the Tamil labourers could be bound down to the estates by indebtedness without the need of any indenture system. Advances were made to them, and thus the "tundu" system (as it was called) became established under which it was almost impossible for the Tamil labourers to get free.

There were two invariable features of the indenture system which made it highly objectionable:—

(i) The Indian labourer was bound down to his employer for 5 years and had no choice as to the master under whom he should serve. He could be criminally prosecuted if he left work or refused to work.

(ii) The number of women, who accompanied the men, was, at first, in the proportion of 33 to 100. Later on, the number was raised to 40. This led to the terrible immorality mentioned in the pages which follow.

Many writers on the subject, including the late Mr. Gokhale, have called this system of Indian indentured labour "semi-slavery," and such in reality it was. There is no need to go into details, because this long standing evil has now been generally condemned by the moral conscience of the whole civilized world. But what is not sufficiently realised is, that a moral evil of this kind, having gone on for over 84 years, leaves behind it serious after-effects which cannot be cleared away in a few years. The degraded economic, moral and political condition of the Indian community in British Guiana (as in Fiji) is due more to the after-effects of the indenture system than to anything else. If Indians in British Guiana are looked down upon (as we are told in this Report) even by African negroes, it is because the African negroes gained their freedom in 1834, but the Indian labourers were not freed from the indenture system until 1917.

When the indenture system had been brought to an end, an inter-departmental enquiry had been held in London between the Colonial Office and the India Office in order to devise some other system of Indian labour to take the place of the old indenture system. This Committee's scheme, however,

was highly unpopular in India because it contained some of the very worst features of the old indenture system still unrepealed.

In the year 1919, when the war was over, the market price for sugar suddenly went very high indeed. At the same time, the Indian labourers in British Guiana were just ending the last year of their indentures. As they were set free, they refused to go back to the estates as hired labourers. This made estate labour very scarce all over the Colony. The war was just over. Trade was beginning to boom. Very large reserves were set aside for schemes of British Empire Development; and it was clear that the Imperial Government looked with favour on such enterprises. It was ready to support them with heavy loans. When, therefore, the shortage of labour grew great in British Guiana and the market price of sugar rose high, the authorities sent Dr. Nunan and Mr. Luckhoo to India with an offer of a new colonisation scheme, that was very much more favourable to Indian emigrants than the scheme drawn up in 1917 by the Inter-departmental Committee. The deputation reached India in November 1919, and stayed for more than three months. The scheme which Dr. Nunan put forward described throughout this Report as the Nunan-Luckhoo Scheme. Dr. Nunan has recently been knighted and is now Sir Joseph Nunan.

The Indian Legislative Assembly decided to send a Committee of Enquiry to British Guiana, before deciding to re-open emigration. On the 31st March 1920, Dr. Nunan presented a report to the Colonial Office, which ends as follows:—"A steamer load of 300 or 400 families is, in my opinion, within the bounds of possibility." It is evident that he fully anticipated the immediate re-opening of emigration as soon as ever the Indian Deputation had made its report and the Government of India had consented to the scheme.

But various hindrances arose. In the first place, it was decided to delay sending out the Committee of Enquiry from India; and it did not actually reach British Guiana till February 12, 1922.

In the interval between 1920 and 1922, a great change had taken place in the situation. The Governor, Sir Wilfred Collett, had repudiated the Nunan-Luckhoo Scheme and had put forward a scheme of his own. This is called in the Report, "The Governor's Scheme." It will be found quoted in full in the Majority Report.

The main reasons for the Governor's change of policy was the commanding influence of the British planters, who desired to have a labour scheme rather than a colonisation scheme. The Colony had gone through a financial crisis during 1921. The large profits, which had been made from the sugar industry in 1919-1920, suddenly ceased and the market price of sugar went down so low as to make it hardly worth cultivating. There was, therefore, no immediate anxiety in the Colony to go on with a colonisation scheme, such as Dr. Nunan and Mr. Luckhoo had put forward. No doubt, other factors came in; but it is practically certain that the violent oscillation in the trade Colony had made the difference.

It will be noted, that even the Governor himself in 1922 was against any opening up, for some time to come, of fresh emigration. "His Excellency the Governor told us," the Indian Commissioners report, "that owing to the present economic crisis (in 1922) he was not in favour of emigration from India being resumed until the end of 1924; and not even then if cottages of an improved type had not been put up." The Indian community would not favour the reopening of emigration till 1930. Mr. Luckhoo was strongly opposed to any fresh emigration for at least another five years.

I had already heard some news about the Committee of Enquiry that had gone out from India in 1922, and their Report, which was said to be very pessimistic. The news also had reached India that there had been a radical difference of opinion between the Indian members and their English colleague. This variance had been so great, that, for more than a year and a half, the whole Report remained unpublished. As, however, the trade depression in British Guiana had continued, no one appeared to be very anxious to expedite the publication of the Report. Meanwhile, the Kenya crisis had been coming to a head in East Africa; and South Africa had taken it place behind Kenya in its determination to give inferior status to Indian citizens. Everything was being done to humiliate Indians abroad. All these insults naturally distracted public attention; and if there was any thought of British Guiana at all, it was only as one of the Colonies, where Indians had been badly treated in the past, under the indenture system. There was no wish, on the part of any one, to open immigration to that Colony again. News also had trickled through of a serious repudiation of Dr. Nunan's scheme by the Governor of British Guiana himself and a new scheme published which was clearly for cheap labour exploitation. It was a surprise, therefore, to every one when we were told in India that the Nunan-Luckhoo emigration proposal was being put forward once more, with Government authority, by the new Governor, and that Dr. Nunan and Mr. Luckhoo were again on their way to visit India in order to present afresh the identical scheme, which they had brought with them in 1920.

When I reached England, I was told that they were expected in London very soon. We met them in Mr. Polak's office on December 28th, 1923. There we had very nearly three hours' talk together. It was necessary to clear away at once a wrong impression from Dr. Nunan's mind. He had regarded me as virtually committed to his scheme. But I told him plainly; that I had not in any way committed myself in the interview I had with him in 1919, and furthermore, when he had cabled out to me in South Africa, asking for my approval, I had replied by a cable saying that I could not give it; thus I had withheld my consent altogether.

The talk we had together in London, at which Mr. Polak was present, ended in my urging the two delegates not to proceed further to India; because, first of all, the mind of the people of India was disturbed over the Kenya decisions and a great majority had determined not to vote for any re-opening of emigration to the Colonies, while those decisions remained



unaltered. Secondly, the whole idea of bringing out thousands of emigrants each year in an artificial way, shiploads at a time, which would have to be recruited somehow, with all the old dangers revived, was most repugnant.

The scheme was too ambitious, and it tried to do things too hurriedly and on too grand a scale. Clearly the Colony was not prepared for such numbers of new colonists; the land was not yet empoldered; the health conditions had not yet improved; and underneath everything else there was obviously a desire on the part of the planters to get more labour at economic rates and keep down the wages of their present staff of cultivators.

We endeavoured to put before Dr. Nunan, the obvious fact that from first to last Indian emigration to British Guiana had been on wrong lines. What was needed, was to let things take their own course, as they had done in British Columbia so long as the Punjabis were allowed to land in that country. All that appeared to be needed was, for a steamer service to be established. Those who were self-reliant and independent in India, and had already cut themselves loose from their old social and economic surroundings, might then be attracted. They would pay their own passage out, if the steamer rates were not excessive.—just as they were ready to pay their own passages to British Columbia across the Pacific. Only the enterprising would go; but these would make the best colonists.

Dr. Nunan was impressed by this view of emigration, which we presented. Mr. Luckhoo had a long talk with me alone, and promised me that he would consider very carefully the ideas we had suggested. They were new to him, he said, and he wanted time to give them his very fullest examination before coming to any conclusion. I have not heard directly from either Sir Joseph Nunan or Mr. Luckhoo since. Two non-Christian Indian delegates have now followed Sir Joseph Nunan and Mr. Luckhoo to India after considerable hesitation on the part of the East Indian Association. Mr. Polak has seen both of these new delegates as they passed through London; and they both called upon Mahatma Gandhi and myself, in company with Dr. Nunan's brother at Juhu, Andheri. The attitude of the East Indian Association has been one which has wavered between neutrality and withdrawal. Only quite recently has it actually declared its acceptance.

C. F. ANDRWS,

## ABSTRACTS FROM REPORT OF

DEWAN BAHADUR P. KESAVA PILLAI, M.L.C. AND  
V. N. TEWARY, M.A.

British Guiana is said to comprise an area of 90,000 square miles and has a sea-board extending over 250 miles. Its length from north to south has been estimated at about 550 miles, and its average breadth from east to west at 30 miles. It is bigger than Bengal or the Presidency of Bombay minus Sindh. If a territory as big as the Province of Agra, or Bihar and Orissa, were to be carved out of British Guiana, there would still remain an area of 7,000 square miles. But in this big country, only the coast-land is as yet inhabited, the rest being primeval forest. This coastal strip stretches along the whole length of the sea-board; and in depth, varies from 10 miles on the west to 40 miles along the Berbice and Courantinyne rivers. A peculiar feature of this flat and comparatively narrow plain is that it is to a large extent slightly below the level of ordinary spring tides which flood the low-lying parts.

British Guiana lies roughly between 1 dg. to 8 dg. North of the equator, and between 75 dg. to 61 dg. West of Greenwich. The climate is equable and temperate, resembling that of Malabar. The temperature seldom touches 90 dg. F., and rarely falls below 75 dg. F., and the average rainfall varies from 84.19 inches at Matobe to 154.86 inches at Look Out. It has two wet and two dry seasons. From the middle of April up to the middle of August it is wet, and then follows the dry season which lasts till about the middle of November, when the second wet season of the year begins, lasting up to the middle of January.

In 1919, 86,971, tons of sugar were produced from 70,876 acres of cane, giving an average of 1.22 tons of sugar per acre under cane. This is a very low average, comparable with that of India taken as a whole, and far below that of countries such as Java and Hawaii. It is partly due to poor extraction by two mills, and partly to poor cane outturns on some of the estates. This latter result, however, is largely due to the fact that on most estates all the tillage is being done by hand. The best estates, however, get about 2 1/2 tons of sugar to the acre.

The product next in importance is rice. It is owing mainly to the initiative and enterprise of the East Indians that the rice industry has attained its present position, and promises, in the near future, to be the leading crop of the colony. There was a time when British Guiana had to import practically every pound of rice needed for local consumption. In the quinquennium, 1884-1888, only 2,500 acres were under rice and 43.5 million lbs. of rice had to be imported into the colony. By 1903, the average area under cultivation had increased to 15,000 acres, while the import had fallen to 18 million pounds. From that time onwards, the history of the industry is one of continuous and rapid development. By the end of 1913, the colony was able not only to meet its own requirements, but also to export about 10 million pounds. The highest development was reached in 1917

when the area under cultivation was 63,000 acres, and the quantity exported exceeded 32 millions of lbs. In 1920, the area under the crop was 58,000 acres, while the export consisted of 18 million lbs. of rice and 15 million lbs. of paddy, both being valued at about 1.7 million dollars.

The total population of the colony was about 278,000 souls in 1891. No figures are available for 1901 as no census was taken in that year. The census report for 1911 recorded an increase of 18,000 from 278,000 to 296,000 souls in twenty years. At the last census held in 1921, the population rose to 297,700, thus showing an increase of only 1,700 as compared with 1911. The smallness of increase is accounted for by the influenza epidemic of 1918-19 which is estimated to have caused 12,000 deaths, and by the fact that indentured immigration from India ceased in 1917, while 3,375 immigrants were repatriated to India during the year 1919 and 1920, under the terms of indenture.

Another interesting fact brought out in the report of the last census is that during the last fifty years, the growth of the population in the colony has been mainly due to immigration. The population in 1871 amounted in round figures to 194,000 souls, exclusive of all immigrants, while in 1921 it rose, excluding the number of immigrants, to 199,000, thus showing a natural "increment" of 5,000 only. The significance of this fact as well as the highly important part that immigration has played in the increase of the population in the colony should be borne in mind, when the question of sending out more emigrants to British Guiana arises for consideration.

There were roughly, 67,000 persons living in towns at the last census, while 66,000 persons lived on the sugar estates. Over 112,000 persons were found in villages, and 42,000 on farms and settlements. Only 8,000 were enumerated in the forest districts. If we classify the population according to races, we find that there were 3,000 Europeans, 9,000 "Portuguese," 125,000 East Indians, 2,000 Chinese, 117,000 Blacks, 30,000 persons belonging to the mixed races and 9,000 aborigines.

The total number of East Indians returned at the 1921 census, was 124,938 or 1,529 less than in 1911. Of the present East Indian population, 68 per cent. were born in the colony. There were 96,000 Hindus, 18,000 Mohammedans, 11,000 Christians, and 244 Parsis. Turning to occupations, we find 350 East Indians belonging to various professions, 430 employed as domestic servants, over 78,000 as agricultural labourers, including those working on sugar estates, and 2,500 classed under industries; while the number of the unoccupied or dependents (i.e., women engaged in domestic duties, children, etc.), is stated to be over 40,000.

As the population contains a very large element of immigrants in its composition, there is bound to be a pronounced disparity in the numbers of the two sexes. This disproportion has been further aggravated by the indentured system under which forty women were sent out for every hundred men. In 1881 the number of females in the colony for every 1,000 males was 800, which rose to 834 in 1891, and has rapidly risen to 926 in 1911,

and 968 in 1921. At present, however, only three races show an excess of females over males. Among the blacks and the coloured, there are 52.4 females to 47.6 males, while the Portuguese have 53 females to 47 males. Of the rest the Europeans have 45 females to every 55 males and the Chinese 86 for every 100. It is among the East Indians that the disproportion of the sexes is most marked. Out of 125,000 East Indians in the colony, the number of females is only 55,800, giving a proportion of only 80 females to 100 males.

There were among East Indians in 1911, 20,000 females, i.e., 73 females to 100 males, and in 1921 13, females, i.e., 80 females to 100 males. Prior to 1911, the disproportion between males and females amongst the East Indians must have been greater, since amongst the indentured labourers brought to British Guiana the ratio of males to females was more than 2 to 1; and the fact that the number of females is now approximating the number of males is due to the fact that 68 per cent. of the present East Indian population are colony-born, amongst whom the number of males and females is approximately equal.

In this connection, it may be mentioned that from the commencement of immigration from India in 1838, when the first batch of East Indians landed on the shores of Demerara, to the cessation of the indentured system in 1917, a total of 239,000 Indian immigrants was introduced into the colony, of whom about 69,000 had been repatriated to India by the end of 1920.

Before we proceed to give our impressions regarding the health conditions of British Guiana, we should like to refer to the opinions of the Colonial Secretary and the late Surgeon-General of British Guiana, regarding the paramount importance of giving precedence to the question of improving the sanitation of the colony, before embarking on a policy of further immigration. Their high and responsible positions as well as the unrivalled opportunities they had for acquiring a most intimate knowledge of the various problems affecting the welfare of that country give special weight to their views. We think that no apology is needed for quoting at length from their statements, so that the gravity of the problem may be clearly appreciated.

Mr. Clementi, the Colonial Secretary of British Guiana, submitted a report "On the Condition of the Colony of British Guiana during the Great European War and on the Chief Local Problems Awaiting Solution" in 1919, which is known as Combined Court Paper No 21 of 1919. In this report Mr. Clementi says that, although the introduction of more immigrants is necessary for the development of the Colony, "the most pressing duty of the Government is to protect the health and the lives of the existing population; and to secure that, instead of the death-rate exceeding the birth-rate, as has too often been recorded in the Vital Statistics of British Guiana, there shall be a steady natural increment." And after dealing in great detail with the various aspects of the problem, he thus sums up the situation:—

"When Macaulay wished to bring home to readers of his History of England published in 1848, the progress in sanitation made in his day in the United Kingdom, he contrasted the conditions then prevailing with the by-gone times, "when men died faster in the lanes of our towns than they now die on the coast of Guiana." Seventy years have passed by, and it would no longer be fair to quote Guiana as typical of all that is insanitary. But taking a broad view of the health conditions in this colony, it must be admitted that there has been no case of plague or cholera in the last 40 years, though the last outbreak of yellow fever was in 1885 and of small-pox in 1904, and notwithstanding the fact that the five years, 1912-16 inclusive, constituted a record for health in British Guiana unequalled by any other quinquennium in the last fifty years, nevertheless a colony in which at frequent intervals the death-rate exceeds the birth-rate, and where malaria, enteric fever, ankylostomiasis, tuberculosis, and intestinal troubles are prevalent cannot be deemed to be in a satisfactory state. Much arduous, unremitting and expensive work is imperatively necessary, before we can hope to rely on a natural yearly increment of the population; nor could such natural increment suffice save in a very remote future to provide a population sufficient for developing the colony. *It would, however, be sheer folly, indeed it would be immoral, to take steps to introduce immigrants in large numbers into British Guiana, without at the same time taking the steps necessary to keep them alive and in good health.*" (The italics are ours.)

On another occasion, he again returned to the subject and made an equally serious indictment of the policy of immigration pursued by the Colony in the past, and of the measures adopted for the preservation of the public health. Speaking in the Combined Court, when the resolution regarding the Colonization Scheme was under discussion, he said:—

"The mass of our population is an immigrant population and the history of immigration into British Guiana is a calamitous history. The chapter of calamities begins with the first immigrants who came here, Dutch, French and British, now classified in our Vital Statistics under the head 'Europeans other than the Portuguese.' I have not the time here to dwell upon the vicissitudes of our white colonists before British Guiana came into existence by the union of Essequibo and Demerara with Berice in the year 1831; but I note that the census of March 1831 shows at that date there were no Portuguese in the colony, that the population was then estimated to be 93,000 souls, and that the enumerated white colonists numbered 3,529, souls, 2,519 being males and 1,010 females. Now the estimated total of the White Colonists other than Portuguese at the end of 1917 was only 3,659 souls, 1,950 being males and 1,689 females, in an aggregate population of all races estimated to be 313,999 souls. Thus there are now fewer white men in British Guiana than there were in 1831, and relatively to the total population the white element has decreased from 3.6 per cent. to 1.1 per cent. during the past 86

years. These figures to my mind explain in epitome the stagnation from which this colony suffers. The vitalizing stream of colonists from the Mother Country flows very sparingly into British Guiana.

“Portuguese emigration from Madeira took place between the years 1835 and 1882, during which period there arrived 30,645 souls; while from the Azores in the year 1851 there came 164 souls. The Portuguese immigrants, therefore, numbered, 30,809 souls in all; and, in view of this fact, it is distressing to record that on the 31st December 1917, the total Portuguese inhabitants in the colony numbered only 9,766 souls, 4,637 being males and 5,129 females.

“The nucleus of the black population in British Guiana was imported from Africa before 1807, the year in which the slave trade was abolished; and the report of the Registrar of Slaves for Demerara and Essequibo records that on the 31st of May 1832 they may be estimated at 86,162 souls, of whom 45,369 were males and 40,793 females. These figures can be relied upon within a small margin of error, for, when on the 1st August 1934 all slaves of British Guiana were emancipated, the number in respect of whom compensation was paid by the British Government was 84,916 souls. Now, at the end of 1917, the Negro population of the colony was estimated at 118,612 souls, 56,895 being males and 61,717 females; therefore, in 85 years our Black population has only increased by 32,450 souls. But the colonist's immigration statistics show that, between the years 1835 and 1892, there were introduced 40,813 immigrants of Negro Race from the West Indian Islands, as well as 13,355 Blacks from Africa. Thus, not only is there no natural increment in our Black population during the period of 85 years in question, but there has been a net decrease of 21,718 souls.

“The history of Chinese immigration is equally deplorable. The first Chinese indentured immigrants arrived in British Guiana on the 12th January 1853, and the last reached George Town on the 17th March 1879. During that period there were introduced into the Colony a total of 14,002 Chinese immigrants, 11,894 being males and 2,108 females. Yet at the end of 1917 the estimated population of Chinese Race in British Guiana was no more than 2,810 souls, 1,573 being males and 1,237 females.

“Nor is the case any better with respect to the East Indian Immigrants, who now form the largest racial element in our population. The first East Indian immigrants arrived in British Guiana in the year 1838 and from that time down to the cessation of indentured immigration from India with the arrival of the s.s. “Ganges” at George Town on the 18th April 1917, there were introduced into the colony a total of 238,979 East India immigrants. Nevertheless; on the 31st December 1917, the total East Indian population was estimated to be no more than 137,959 souls, 78,808 being males and 59,151 females. That is to say, for every one thousand East Indians introduced into the colony under the indentured system there now re-

main here only 572 souls—a little more than half. It must, of course, be remembered that, in accordance with the conditions of indentured immigration, 65,588 East Indians were sent back from British Guiana to their native country during the course of the seventy-nine years in question; but, even after making this allowance we find that the present East Indian population is less by 35,482 souls than the number of immigrants introduced.

“As regards the population of Mixed Race in the Colony, it now forms 10 per cent. of the whole and appears to increase slowly. Statistics on this point are first given in the census report of 1891, when the total number of persons of mixed race was returned as 29,029 souls, 13,227 being males and 15,802 females. On the 31st December 1917, the total population of mixed race estimated at 33,867 souls, 15,749 being males and 18,118 females, an increase of 4,831 souls in 26 years, or at the rate of 7 per mile per annum.

“The case may be put in a nut-shell by pointing out that the total population of British Guiana was returned at the census of 1841 as 19,154 souls and at the last census taken on the 2nd April 1911, as 296,041 souls; and the total number of immigrants introduced into the colony between the years 1835 and 1911 was 333,803 souls; and that therefore seventy years after the census of 1841 the colony contained a population actually less in number than the immigrants introduced. These figures are a grave indictment of the colony's immigration methods in the past as well as of the measures taken in bygone years to preserve the public health. The inference to be drawn is very clear, namely, that the most pressing duty of the Government at the present time is to protect the health and the lives of the existing population and to see that instead of the death rate exceeding the birth-rate, as has too often been recorded in the vital statistics of British Guiana, there is a steady natural increment. Measures aimed at the prevention, and failing that, the cure of disease should therefore engage our most earnest attention. Improved sanitation is the paramount need of the colony to-day. I am well aware that, as Lord Cromer has said, ‘improved sanitation is a bottomless financial abyss.’ *Nevertheless it is sheer folly, indeed it is immoral to take steps to introduce immigrants into this colony without at the same time taking the steps necessary to keep them alive and in good-health.*” (The italics are ours.)

Let us now turn to Dr. Wise, the late Surgeon-General of the Colony, and see what he has to say on the subject. Addressing the joint meeting of the public bodies and representatives of British Guiana in George Town on the 27th January 1919, he stated that there was sufficient labour available in the colony for developing not only all the acreage under cultivation but double that area, if mechanical appliances were utilised; and as regards sanitation, he made the following remarks:—

“With regard to sanitation in the past, millions of dollars had been spent on immigration, whereas they could reckon the amount spent on sanitation in hundreds. That was not the right proportion. The

*sanitation maintained by the estates in the past was largely one that was the minimum that would satisfy the Indian Government.* The question now was not what was the minimum in order to allow immigration to continue, but what was the maximum to keep their labourers in the best conditions possible. He pleaded with the meeting to view the question of sanitation in a more liberal spirit, and not deal with it in the port-knocking spirit in which it had been dealt with in the past." (The italics are ours.)

The "magnificent colony," as British Guiana has been described by one of its Governors, is, so far as the coast-land is concerned—and the rest of the country being practically empty does not concern us for the present—a land of marshy swamps and mosquitoes, of malaria and filariasis. As it is below the level of the sea, the problem of drainage is a difficult one. In these circumstances, the country is subject to inundations during the rainy season; and it is not an uncommon sight to see miles and miles of the country submerged under water. In the words of Mr. Clementi, the inhabitants of the coastal tract have to lead an amphibious life, and their houses surrounded by water on all sides present an appearance of "lake dwellings." On the sugar estates, canals run along and between the fields, to facilitate the transport of sugar-cane to the factories, and to serve as channels of drainage. The canals on the dismantled estates are generally over-run with weeds and hyacinth. Moreover, for the construction as well as the upkeep of the roads, earth is dug out of the neighbouring fields on both sides, leaving pits for the accumulation of water. Similarly, villages have canals for purposes of drainage; and more often than not, they are not properly looked after, and, in consequence, are full of rank growths. A more ideal place for the breeding of mosquitoes it would be hard to discover. Another source of ill health is to be found in the utter lack of any arrangements for getting pure water for domestic use. In the City of George Town those who can afford to store it utilise rain water for drinking and cooking. Others get their supply from the Municipal taps which are fed from a reservoir several miles away from the city by means of an open trench about 42 feet wide.

Among 882 school children in George Town examined by Dr. Rose, 865 suffered from infection from a certain kind of worms, which can only be contracted by swallowing the germs contained in human excreta, and in no other way. "The infection of so large a percentage of children with these parasites," writes Dr. Rose, "is due directly to the fact that human excrement in the town is not disposed of in a safe and efficient way, but is allowed to come into contact with the persons, the food and drink of the children." "There is no more unpleasant chapter," he adds, "in the story of the insanitary conditions of these schools than that which is concerned with the arrangements for the disposal of excreta. Surface soil pollution is apparent and extensive. The privies provided are wooden buildings frequently dilapidated, giving free access to flies and animals, the seats are stained with excreta; nor do the floors escape; the odours are such as to discourage their use, one would imagine, by sensitive children. In the almost universal absence of urinals, I have seen the ground around the



school and the pillars of the buildings used frequently for this purpose instead. Moreover, the privy accommodation is, in many cases, inadequate, nor is there any attempt at provision of toilet paper or any substitute for such an article. One has only to visit these buildings to understand such facts as that 56.3 per cent. of the children suffer from infection with intestine parasites, due solely to the swallowing of human excrement or that in one small school of 100 children examined, five had had typhoid, with five histories of the occurrence of typhoid in their families during the year 1917." In regard to the health conditions of George Town, Dr. Wise says:—"The midden-pits are repulsive and hardly approachable, the nightsoil remaining open to the air in a semi-fluid state; they are the hunting ground of rats and the breeding places of flies and other vermin. The rise of ground water in wet weather brings all the foul gases to the surface, polluting the atmosphere and ultimately it drifts the contents of the midden-pits out on the surface of the premises where it floats, settles and finally dries. The cess tanks perhaps not so obvious but equally insanitary and dangerous. These tanks are constructed so that one side or bottom is knocked away and the ground water has free access to the accumulation of sewage. This sewage mixes freely with the subsoil water through the length and breadth of George Town, and it is no exaggeration to repeat that the city veritably floats on sewage."

As in George Town, so in the rest of the colony the causes responsible for bad health are the same, viz., defective water-supply and filthy methods of sewage disposal. People get their water-supply from ponds and trenches fed by rain or pretty water led through canals for many miles and open to surface pollution. There are, however, some villages which have artesian wells, the only trouble about them being that they often get choked up and require constant attention. The following description by a competent observer of the conditions prevailing in the villages of British Guiana may be taken as literally true, howsoever startling it may appear to be:—

"Disgust and dismay faces one when one realises that in most of our villages there is no water-supply for drinking purposes. A few barrels, empty receptacles and old Dutch jars are kept, the water in the rainy season being conducted by an old piece of tin gutter, from the roofs of the thatched cottages. These abominable receptacles are veritable death traps, forming as they do admirable breeding places for mosquitoes. When the dry weather comes, this small storage of water-supply is soon used, the canals are then resorted to. These are never, at any time, fit for drinking purposes and in dry season they are still more filthy, and unfit. The partial success attending our artesian wells should encourage the authorities to continue sinking these. Before the well at Lichfield on the West Coast of Berbice was drilled, the villagers in and round this district used to walk from the public road to the Abary river for their supply. All manner of utensils were employed and whole families would set out in the early hours just before the break of dawn. Hence it can be seen that in places where there is no well, the fate of our

peasantry in dry weather is far from pleasant. The nasty trench water is responsible for numerous deaths from intestinal troubles. And yet we have extended our artesian wells so slowly that from 1915 to the present date, we doubt whether we have fifty wells throughout the whole of our coastal fringe." (By Edgar Beckett, F.L.S.).

The same authority continues:—

"The decrease in all our immigrants is a deplorable comment on our health conditions. If we intend to introduce the colonisation scheme we are morally bound to pay attention to our health and sanitary problems. There can be no question about that. It is a moral obligation. We cannot introduce people here to die. Our immigration schemes of the past, when the census figures are studied, provided a damnable indictment against the public health measures of those times."

Efforts in all directions are no doubt being made to effect improvement in the sanitary conditions of the colony. But they are slow and unsteady for want of fund and lack of enthusiasm on the part of those who can exercise some influence in this direction. The "Daily Chronicle" (British Guiana) of the 8th March 1922 brings out this fact very well when it says, "It has also to be admitted that the sugar planters had no interest in furthering schemes of a similar nature, (i.e., of drainage and irrigation) elsewhere, shortsightedly failing to see that the omission to provide these schemes was sapping their labour supply at the very sources; since as a consequence, the most appalling wastage of child and even adult life took place." And that it is not wrong in holding the planters responsible for this state of things is shown by the fact that "the influence of British owners (of the sugar estates in British Guiana) through their local representatives on the Government and politics of the country is very great."

We accepted, with regard to the rates of wages as well as the cost of food, clothing and implements, the figures given by the present Agent General as correct for the purposes of the above calculation; and the results, even on this basis, are startling. An able-bodied man going out from India to a far off place at a distance of 12,000 miles, and working as a shovelman for seven hours a day during the slack season, and fifteen hours per day during the period of grinding, is able to save after ten years' unremitting toil, not more than a sum of 162 dollars; while a male weeder saves nothing but has a debt of 37 dollars at the end of the period. A female weeder fares even worse. Her budget, prepared on the basis of the above note, actually shows after ten years a deficit of 153 dollars, if she gets a free return passage, or of 225 dollars when her share of the cost of the passage money is included. Or, to put it differently, among the three, there is a deficit per head after 10 years of 9 dollars, or of 23 dollars, if the female weeder's share of the passage money, etc., is included. Further comment on the above is obviously unnecessary.

The dwellings on an estate are called the "Coolie" lines or ranges. A range is a single-storied building, fifty to hundred feet long, fourteen feet broad, and fifteen feet high from the floor to the apex of the rafters. Its roof is either shingled or covered with corrugated iron-sheets. It has either a mud-floor, or wooden flooring plastered over with earth. Some ranges are raised two feet above the ground level. Each range is divided by thin partitions into five or ten rooms, according to its length. The floor area of a room may roughly be taken as 120 square feet. The partitions between the rooms are usually close-boarded to a height of 10 feet from the floor, the space above that being close-lathed. Each range has a covered verandah, four to six feet wide, running along the whole length on the front side. For ventilation, there is a window on the windward side and a door on the leeward side in every compartment. The distance between two ranges varies from fifty to sixty feet. There are drains both in the front and behind the range; though, being mere channels cut in the soil, they are seldom in a satisfactory condition. One family or three bachelors are required to live in one room.

Some of the ranges which we saw were fairly satisfactory, but most of them, such those on the Plantation Friends, were found to be in a state of advanced dilapidation. White-washing seems to be the exception, not the rule, with the result that the ranges present a rather dreary and dismal appearance. Some of the ranges, in our opinion, are hardly fit for habitation, resembling more "a pig-stye" in the vivid phrase of a labourer, than a dwelling fit for men; while, as regards married couples, they are absolutely unsuitable. No privacy is possible, when words whispered on one side of the partition may be overheard on the other. In these circumstances, it is not at all surprising to find all decency of a family life destroyed. The "Coolie" lines are as much responsible for the immorality among the immigrants as any other cause. We are therefore sorry to have to record that the authorities in British Guiana do not consider it necessary to provide separate cottages at least for the married couples who are already in the colony; although even bachelors among the new comers are promised accommodation in new cottages. All that Messrs. Andrews and Pearson have written about the "Coolie" lines of Fiji in their report applies with equal force and justice to the "Coolie" ranges of British Guiana. And the least that should be done immediately is to make separate arrangements for the housing of married immigrants.

That, in the days of indenture, immorality among the indentured labourers was rampant, is acknowledged on all hands. Messrs. McNeill and Chinanlal in their report ascribe it mainly to the sex-disparity and the class of women who were sent out from India. To these two causes should be added another, viz., the "Coolie" lines, already alluded to. Sudden freedom from all the social restraints of a village life, chaotic intermixture of different classes and individuals from various provinces, the conditions of life on an estate, the non-recognition of Indian marriages, all these tended to lower the moral standard and destroy the sanctity of married life. And though the indentured system has been abolished it has left behind an evil legacy. If separate housing arrangements for

married couples are immediately made by the provision of a large number of separate cottages; if legal recognition is given to marriages solemnised in accordance with Indian religious ceremonies; and if the State in British Guiana, disregarding all narrow considerations of harm or injury to any particular industry, takes early steps to discharge the obligation laid upon it by law in the matter of imparting education to the children of the Indian community, the progress towards a settled life of a higher moral standard will be considerably hastened.

There is not only sexual laxity among the immigrant labourers themselves, but very serious allegations have been made from time to time that managers and overseers have had immoral relations with "coolie" women on the estate. The Sanderson Committee came to the conclusion that there was not much substance in the allegations. From our investigations, we have arrived at the conclusion that there is ground for believing that such immoral relations do exist, though, to what extent, it is impossible to say. East Indians almost unanimously made these allegations; and with equal unanimity and emphasis the planters denied them. The Hon'ble Mr. Webber stated that such immorality did exist, and added that things were pretty much the same, as they were in 1913.

It may be mentioned here that there is an Ordinance in the colony, under which a manager or an overseer living with an immigrant woman must either marry her, or leave the estate. It was said that the owners of the sugar estates would not tolerate such an immoral practice and would punish the man, if they were satisfied of his guilt. In spite of all this, the very conditions under which young overseers are required to live on the estates are such that it is impossible to prevent the growth of this evil. Young overseers are either unmarried, or, if married, are not allowed to have their wives on the estate. This seems to be the general practice, though on a few estates a small number of married quarters for overseers have been put up in recent years. Such being the conditions, under which they have to live, it is easy to understand why so often they go wrong. Married men are not generally appointed overseers, because they would be more costly, and, secondly, because the estate would have to incur additional expenditure over the construction of married quarters. These reasons were put forward by one of the sugar magnates of British Guiana who further explained that sugar plantations, being business concerns, have to be run on business lines, and that they had to consider proposals involving additional expenditure, recurring or non-recurring, from that point of view; and he ended by saying that young men would be young men. The subject is a most unsavoury one, and we have no desire to pursue it any further. We should, however, like to place on record our deliberate opinion that the evil does exist, and that the only feasible solution would be to employ married Indian overseers who would be less costly than married overseers imported from Scotland.

As regards the treatment of labourers by the supervising staff, it appears that things are gradually changing for the better; although complaints of ill-treatment are even now often heard. We made enquiries

into some cases of alleged ill-treatment brought to our notice; and we found most of these complaints to be substantially true. In this matter, as in others, it must be borne in mind that the indentured system has only recently been abolished, and that therefore some time must elapse before occurrences like these can become an exception rather than the rule. The labourer, too, is slowly waking up to the realisation of the fact that he is no longer in bondage but is a freeman who can demand fair and considerate treatment. And add to this another factor that, as there has been a cessation of immigration from India and the consequent stoppage of the supply of fresh labourers, the employers, with limited number of labourers to draw upon, are feeling the imperative necessity of treating their employees with more consideration, so as to secure their good will and confidence.

In 1920, 7 East Indians were convicted of murder, which shows, the very high rate of 56 murderers per lac of population as against 5 and 5 1/2 per lac in Madras and the United Provinces, respectively; but from the summary of cases appended to the Report of the Immigration Department, it is impossible to draw any inferences of a general character.

We are glad to say that we found no traces of that racial feeling which exists in a very acute form in certain British Colonies. The law of the land makes no distinction, at any rate in theory, between one race and another. Indians can anywhere acquire property or carry on business without let or hindrance. Similarly, there is no problem of "segregation." In George Town, for example, Indians live side by side with other races; and as far as we are aware, nobody has ever taken any objection to their doing so. East Indians are allowed to use train-cars and railway trams on exactly the same terms as members of other communities. But, we feel bound to say, that although in theory, and to a certain extent in practice, no disabilities have so far been imposed upon East Indians on merely racial grounds, there does exist considerable race-prejudice. The East Indian is considered to be of a very inferior race and an Indian has been described in official documents as of the "Cooly race." Every East Indian, high or low, rich or poor, is a cooly. This contempt against East Indians is partly racial and partly economic, and is the direct outcome of the conditions under which East Indians used to be taken from India and made to work during the continuance of the indentured system. It is further to be regretted that the manager and the authorities responsible for the social and moral well-being of immigrant labourers, have, barring exceptional cases here and there, cared more for pound, shilling and pence, than for the good of their dependents, practically voiceless and helpless employees. We asked Mr. Luckhoo in the course of his evidence whether the following statement made by the non-official members of the Imperial Legislative Council in their letter addressed to Sir George Barnes, the then Member of the Viceroy's Executive Council in 1917, was true of British Guiana or not:—"It is a known fact that the general body of Europeans in the colonies consider Asiatics as racially and fundamentally inferior to them. When therefore such men obtained privileged control over Asiatics, the position of the latter is reduced to

that of mere cattle, and even the most humane planter does not succeed in lifting his Asiatic employee in the social and moral scale. So long as such a view continues to be entertained by the European planters, no Indian who has any regard for the moral well-being of his fellow men can possibly contemplate with equanimity a continuation of such a system of service however modified and whatever may be the safeguards devised for the protection of the servant." Mr. Luckhoo stated, "Of course, 'cattle' is a strong word to use but that is exactly what is thought of Indians here." He added that Indians were considered to be inferior in intelligence to others, including the Negroes. In confirmation of this fact, it may be stated that on the sugar estates, rarely has an Indian, if any, been appointed to the post of an overseer, the reason given for this being, as stated by one of the sugar magnates, that Indians could not be trusted in money matters; although on some of his own estates white overseers have been guilty on more than one occasion of misappropriation of estate funds. As was admitted by Mr. Sherlock, who gave evidence before us on behalf of the Chamber of Commerce, the sugar planters went to Scotland for overseers but came to India for labourers. It may be incidentally mentioned that in Scotland they do not grow sugarcane, while in India they do. The members belonging to races other than the East Indian, are appointed to these positions but not Indians. Similarly, in the various Government departments there are over 388 posts carrying an annual salary of £150 and over. Only twenty-three out of which are held by Indians; but of these twenty-three appointments, 12 are held by the interpreters in the Immigration Department. In the Police, the Judicial or Executive line, there is no Indian. In the Medical Department there are one permanent and two temporary posts held by East Indians. In the Educational Department which looks after a population, 45 per cent. of whom are East Indians, there is not a single East Indian in the higher grades. Even in the Immigration Department which has to deal almost exclusively with East Indian immigrants, not one Indian has ever been appointed as District Agent, let alone the highest posts. The prevailing idea has been that the East Indian is fit to serve only as a labourer and nothing more. One of the ex-Governors of the British Guiana publicly stated that because East Indians were uneducated, they were such good labourers. The prospect of remaining a labourer not only for himself, but also for his children and his children's children seems to be, in the opinion of some persons, the utmost that an immigrant might aspire to. He has merely been looked upon as an efficient machine for labour. As one of the labourers has stated in a written statement submitted to us, "we have been treated like horses and are made to live in ranges, no better than stables; but while there is a groom to look after the horse there is none to care for us."

Let us mention another small fact as showing that the Indians **do** not count for anything else except as labourers. On the Board of the Poor Law Commissioners, there is not one single Indian although it manages the Alms House besides discharging other functions. This point was prominently brought to our notice, by both Hindus and Muhammadan gentlemen that although Hindus and Muhammadans pay taxes just as

other communities did, even in such a small matter, as the Board of Poor Law Commissioners, there was not one Indian; and yet they added, the number of Indian inmates in that institution was not inconsiderable. When we visited the Alms House we were surprised to note that the vegetarian diet meant for Indian inmates, and described in the printed schedule as the "cooly diet", was less than the ordinary diet. We have no doubt that, had an Indian been on the Board of the Poor Law Commissioners, this could never have been allowed for such a long time. The Hon'ble Mr. Lukhoo thought that the number of Indians in public services should be in proportion to their numerical strength; and added that, unless this principle was recognised, a considerable doubt should remain in their minds as to whether their claims would ever meet with due recognition. We would close the subject after referring to two incidents. During the war when there was a shortage of medical men and a number of posts in the Medical Department were vacant, the Surgeon-General of British Guiana advertised the posts in America, although American Degrees are not recognised within the British Empire. Dr. Wharton, who was a member of the Medical Board, suggested that instead of getting doctors from America, they might get qualified men from India. Nothing came out of this proposal. Secondly, the Honourable Mr. Webber stated that although there was no statutory bar to the appointment of any qualified man, irrespective of race or creed, to the posts of Inspectors of Police, only Europeans were appointed because it was felt that they alone possessed the necessary social status.

We note that Indians are allowed liberty in the practice of their religious beliefs and worships, except in regard to two points to which we shall refer later on. We visited a certain number of the mosques and temples on the sugar estates, which had been built by the contributions raised by the immigrants themselves and liberal donations by the State authorities. But Hindus are not allowed to cremate their dead, and similarly the marriages celebrated according to Hindu or Muhammadan customs are not regarded as lawful. With regard to the first point, it would be difficult to give a more glaring instance in support of our statement that the Immigration Department was lacking in sympathetic understanding of Indian sentiment and feeling, than the statement made to us by the immigration authorities, that Hindus did not desire to cremate their dead. That they are quite ignorant of the strength of Indian sentiment on this point is borne out by the fact, that no less a man than Dr. Wharton, an Indian Christian, wanted to cremate the body of his father (Hindu) who had left instructions that after his death, his body was to be cremated; and had applied for permission which was declined on the ground that he could not do so under the law. Where Dr. Wharton failed, it is not at all surprising that hundreds and thousands of immigrants should have failed to impress the authorities with the strength of their sentiment in this matter. On the return of the British Guiana Deputation from India in 1920, Mr. Thomas Greenwood who represented the West India Committee on that Deputation, submitted a report to the Government of British Guiana, in which he recommended that "*Religious Observances—in particular the right to burn the dead on the sea-shore—should be treated*

*with every consideration and respect."* (The italics are ours.) This was in 1920; and nothing has so far been done to remove this disability simply because the immigration authorities are under the impression that Hindus do not want it. Could there be, we wonder, a more flagrant instance of direct interference with the religious observances of the Hindu community, although Hindus constitute 32 per cent. of the total population of British Guiana?

Similarly in the matter of Indian marriages, the Immigration Agent-General defends the existing law affecting the validity of what are described as Asiatic marriages on the ground that a certain Christian Missionary also agrees with him. In the opinion of the latter gentleman, the unconditional recognition of Indian marriages would have disastrous consequences, because the parties who might change their minds afterwards and separate from one another, would be thereby prevented from so doing. He, evidently, does not realise that his argument, if correct, applies with equal force to the marriages celebrated according to the Christian religion. The only proper course to be adopted in a matter like this should be to consult the leading members of the Hindu and Muslim communities and be guided by their advice rather than rely on people professing a different religion, howsoever sincere and well-meaning they may be. As we have dealt with this question of marriage at length in a separate section, it is not necessary to discuss it here.

Under the Masters and Servants Ordinance of 1853, labourers are still prosecuted and fined. In case they cannot pay fines, they are sent to jail. We asked the representatives of the British Guiana Sugar Planters Association, who expressed themselves in favour of its being revised so as to bring it into harmony with present-day requirements. We are of opinion that it should be revised.

Children under 12 years should not be made to work in "Creole gangs" by the estate authorities. The Planters' Association are, in principle, favourable to the stoppage of child labour. Immigrant labourers considered it a real hardship that their children should be indirectly compelled to work in these gangs. We feel that if only the existing provisions of the Education Ordinance are properly enforced and the offending parties prosecuted, this practice will speedily come to an end.

The practice of getting agreements signed by labourers in an objectionable form seems to be prevalent on some estates. The Planters' Association; we are glad to note, is opposed to this practice; and we hope that it will soon cease.

Women, when engaged on cane-picking in trenches, have to stand in water up to their knees and, at times, even above their waists. It is really a most objectionable practice which should immediately be put a stop to.

The qualifications of a voter may be summarized as literary and the possession of property or income of a specified minimum value. It is not necessary to give in detail the qualifications of a candidate for the Court or the Combined Court. Two other facts of great significance from the



Indian point of view may be mentioned here. First, every voter has to apply to the registering officer to be registered as a voter, before his name can be entered on the voters' register, and a somewhat complicated procedure is laid down in this connection. Secondly, though a voter is required to read and write some language, either European or Asiatic, all the papers, including ballot papers, are printed only in English. It is worthy of note that Mr. Lukhoo is the only East Indian who has been returned to the Combined Court, while not a single Indian has up till now sat in the Court of Policy.

According to the last Census report, the total number of voters in the colony is about 5,000; made up of 563 Europeans, 482 Portuguese, 96 Chinese, 3,396 blacks and coloured, and only 428 East Indians. Or, to put it differently, we may say that, roughly speaking out of every 100 voters, 68 are black and coloured, 11 Europeans, 10 Portuguese and only 8 East Indians. There are roughly, 86,000 adult males; of whom the blacks and coloured number 38,000, and 41,000 are Indians. Of the total adult male population of the European race, 43.7 per cent. are on the voters' list, while in the case of Chinese, the Portuguese, the black and the coloured, the figures are 11.8, 19, and 8.8 per cent. respectively. But only one per cent. of the adult male population of the Indian community are registered as voters. This fact adds point to the contention of the East Indians that their community, to borrow the language of the Indian section of the Colonization Committee, has been practically disfranchised.

Several causes have been assigned for this extremely low number of Indian voters, among which may be mentioned the following:—

- (a) Unlike the Negro, the Indian is said to have no taste for politics.
- (b) He is actively discouraged by certain influential missionaries from taking part in politics; and as they are believed to be sincere well-wishers of the Indian community, they are able to exercise their influence successfully in this direction. We have discussed this point with some of these persons, who, themselves unasked, told us that they had been dissuading Indians from taking an active interest in politics.
- (c) While Indians enjoy theoretical equality, most of them are, for all practical purposes, disfranchised; as, being illiterate, they cannot become voters, even if they are otherwise qualified.
- (d) Even when they are literate (i.e., they can write and read some Indian language), they are practically disfranchised, as the voting papers, etc., are all printed only in English. For this reason, a large number of literate and qualified Indians do not care to get themselves registered as voters.
- (e) The procedure for the registration is complicated and troublesome.

As regards (a), there is some truth in the statement that the Indians on the whole have hitherto not been very keenly interested in politics. Men

who had to live during the period of indenture, for at least 5 years, in the words of Mr. Gokhale, under conditions bordering on semi-slavery, could not be expected to turn politicians immediately on regaining freedom. But to a far greater extent have the other causes enumerated above been responsible for keeping them away from politics. The influence of missionaries of the type referred to in (b) has largely contributed towards it. The causes alluded to in (d) and (e) have not been mentioned now for the first time. For instance, in 1915, the then Immigration Agent General commented in his report for that year on the fact that there were so few Indian voters; and laid emphasis among others on (c) and (d) as being the reasons on account of which so few Indians cared to get themselves registered, or which prevented them from applying for registration.

More than three generations have passed since the first batch of Indians landed in British Guiana; and we find that the percentage of children at school in the case of the Indian community is lowest, when compared with that of the other communities. The charge is therefore not made without some justice that the State has failed in its duty towards them. The present illiteracy of the Indians being thus the fault of the Colonial Government to deny the franchise to them on that ground would be tantamount to penalizing them for the fault of the State. Indian representatives went so far as to say that, if they had had their own representatives in the two Courts, they would not have been in such a sorry plight; and they fear that any further delay in removing this disability will have the undoubted consequence of retarding the whole progress of the community. The objection that an illiterate voter is of necessity inferior in commonsense and shrewdness to an average voter who just knows how to read and write, can scarcely be regarded as of any weight, especially in the case of those immigrants who have shown such remarkable enterprise and initiative in a far-off land and amidst strange surroundings. We are convinced that until a fair and adequate representation is secured to the East Indian community of British Guiana, the present state of backwardness will be perpetuated; and, without committing ourselves to any particular method by which the desired end may be achieved, we earnestly press for an early consideration of this question, so that a satisfactory solution of it may be arrived at as soon as possible. In our opinion, this is the crux of the Indian problem in British Guiana; and on its decision, it is pointed out, depends whether in future the East Indian of British Guiana is to be a self-respecting and self-reliant citizen, or whether he is to remain a serf, a mere hewer of wood and drawer of water, as he has been up till now.

We shall proceed to state briefly the main grievances relating to repatriation which were brought to our notice by the East Indians. Their complaints are as follows:—

- (1) That although they had been told before embarkation in India that they would have to pay only Rs. 30 to Rs. 36 for return passage after ten years' residence in the colony, and Rs. 5 for clothing and the promise had been repeated on their disembarkation in

Demerara, they were now asked to pay twice and even thrice that amount for the return passage and clothing.

- (2) That although in the English text of the agreement which they signed before leaving India it is expressly laid down that "such emigrants as are destitute or disabled shall, with children, dependants or wives, be entitled to a free return passage," the immigration authorities have been persistently refusing to allow destitute emigrants free return passages on the ground that they were not also disabled.
- (3) That in the repatriation of paupers the number of such persons to be sent back is determined by the number of berths available in any immigrant ship rather than by the number of paupers in the colony entitled and anxious to return.
- (4) That the arrangements on board the return ship as regards accommodation, food, etc., are unsatisfactory.

In the meantime, while protracted negotiations were going on between the Colonies concerned and the Colonial Office on the one hand, and the Indian Government on the other, regarding the terms on which emigration from India should once again be permitted, the sugar interests in British Guiana were being put to great inconvenience and heavy loss on account of the serious contraction of labour supply, arising from the stoppage of indentured immigration from India. After the cessation of hostilities in 1918, while the price of sugar rose to very high figures, and large profits were being reaped, the total acreage under sugar cultivation in British Guiana, it was stated, had to be reduced to a considerable extent for want of sufficient labour. It was in these circumstances that the Colonisation movement was inaugurated in British Guiana and a deputation headed by His Excellency the Governor Sir Wilfred Collet, was sent to England to represent to the Colonial Secretary, "the needs of the colony, both for the maintenance of present industries and for their extension." The object of the deputation was to secure emigrants, not only from India, but also from China, Africa and Madeira. As a result, however, of the interviews between the Colonial Secretary and the members of the deputation, it was decided to approach only the Government of India, with a request to raise the embargo on emigration. A deputation headed by the Hon'ble Dr. Numan, Attorney-General of British Guiana, came to India in 1919, and placed their scheme of Colonisation before Sir George Barnes who was then-in-charge of the portfolio of Industry and Commerce. (Hereafter we shall refer to this scheme as the Numan-Luckhoo Scheme). The Imperial Legislative Council appointed a committee to examine Messrs. Numan and Luckhoo with regard to the scheme and to make such recommendations to the Government as they deemed fit. The committee examined them, and adopted a resolution in which they, while taking a favourable view of the scheme, advised the appointment of a deputation to be sent to British Guiana, with the object of investigating the local conditions. Accordingly, the present deputation was sent to that colony in December 1921.

On reaching British Guiana, the Deputation was informed by His Excellency Sir Wilfred Collet that the Nunan-Luekhoo scheme was unauthorised and unacceptable to the Guianese Government, and that it must be considered to be purely unofficial in character, and, therefore, in no way binding on the Colonial Government. Another scheme drawn up in 1920, with a memorandum by His Excellency the Governor, was placed before us for examination. (We shall refer to this scheme as the Governor's scheme.) His Excellency informed us that this scheme should be regarded, not as a definite offer, but only as a proposal for discussion. In this connection, we should like to state that the attitude of the Government of British Guiana towards the Nunan-Luekhoo scheme seems inexplicable.

The Governor's scheme and memorandum are given below in extenso:—

“This memorandum is issued under the authority of the Commissioner of the Government of British Guiana and sets out the terms that Government undertakes to observe in respect of persons who are accepted as Colonists and emigrants to British Guiana under that Colonisation Scheme.

An adult man or woman accepted as a colonist receive:—

“(1) A free passage to British Guiana, for himself or herself, wife, children and such dependents as may be permitted to accompany them.

“(2) Employment with registered employers, if they desire such employment at the outset, at the current rates of wages which are such that—

“An ordinary able-bodied man can earn 4s. 2d. a piece works in the field, in seven hours.

“No prospect of a fall in these rates can be foreseen.

“(3) Free housing for three years if employed with a registered employer; for married persons, separate married quarters or cottages. A number of separate cottages are now being built.

“(4) Free hospital and medical treatment for three years if employed with a registered employer.

“(5) Free rations for children under eleven years of age, for twelve months after arrival.

“Free milk rations for children under five years during the whole time their parents remain in the employment of a registered employer.

“Free rations will be issued for a period of six months to pregnant, nursing women working with a registered employer.

“(6) A free return passage to India after seven years' residence in the colony for adult colonists and their dependents. An assisted passage after five years' residence in the Colony, towards which each adult emigrant will contribute £7-10-0 or one quarter of

the cost, whichever is less. An assisted passage after 3 years' residence towards which an adult emigrant will contribute £15 or one half of the cost, whichever is less.

"In the case of colonists' children under 10 years of age, the above amounts are halved.

"Any individual or family will be sent back free of charge at any time if the Government of India's supervising officer or the Chief Colonisation Officer so directs.

"(7) A special Reward Grant of Land, protected from, or not liable to, floods, drained and suitable for cultivation, of five acres to the head of a family or two acres to a colonist (man or woman), where the claimant has engaged in any form of agriculture under a registered employer for three years continuously.

"The title to such land will be conditional on the fulfilment of the requirements of the British Guiana Crown Lands Regulations in regard to the payment of fees and beneficial occupation. The fees payable for the Reward Grants of Land will be five annual payments of 4s. 2d. an acre each, made in advance at the beginning of each year.

"The cost of preparing these Reward Grants of Land as stated above will be borne by the Government of the colony.

"(8) A colonist who has applied for or received a free or assisted return passage to India will not receive a Reward Grant of Land. No colonist who has received a reward grant will receive a free or assisted passage unless he has fulfilled all the requirements of the Crown Lands Regulations in regard to the payment of fees and beneficial occupation.

"(9) Emigrants who are eligible for return passage may commute or defer such right in exchange for a free grant of land, subject to carrying out the condition as to beneficial occupation."

Under this scheme, emigrants on arrival in the colony will have to engage in some agricultural work under some registered employer for a period of three years, in order to qualify for grants of specially prepared lands. As regards those emigrants that wish to start farming on their own account, the idea seems to be that they should go to the colony at their own expense, where they would be given free grants of land on a more liberal scale, and could also get from the Agricultural Banks loans for agricultural improvements. But it is not certain whether those emigrants that engage in agricultural work for three years from the date of their arrival under an employer other than the registered one will be entitled to claim assisted or free return passages to India. This curtailment of right to assisted or free repatriation has been suggested for the first time in His Excellency the Governor's memorandum; although his scheme, in paragraph 6, promises free or assisted return passages to all adult colonists and their dependents. This modification will result in sending all

emigrants desirous of securing free or assisted return passages to the sugar plantations only. As the "Daily Argosy", of British Guiana has put it in its leader of the 24th February 1920, "If Indian immigrants come here . . . they would in the natural course of things be attracted to sugar estates." The scheme seems to have been drawn up mainly in the interests of the sugar industry, while the rice growers, most of whom are East Indians, will not benefit by the re-opening of emigration to the same extent.

A comparison of this scheme with the Nunan-Luckhoo scheme shows that the former differs from the latter on several points, and that these differences are of a vital character. The following important features of the Nunan-Luckhoo scheme are not to be found in the Governor's scheme:—

- (a) It provides for large schemes of irrigation and drainage. (Vide "British Guiana and the Empire, 1919," pages 4-5).
- (b) The inducement of land settlement is to be offered to old settlers as well as to fresh emigrants on similar terms of service. (Vide "British Guiana and the Empire, 1919," pages 4-5).
- (c) An organised campaign of sanitation is to be initiated. (Vide "British Guiana and the Empire, 1919," pages 4-9).
- (d) Water supply is to be improved. (Vide "British Guiana and the Empire, 1919," pages 4-5).
- (e) Agriculturists with families, if any, emigrating from India, and desirous of working on land of their own, immediately on their arrival in the colony, are to be given free passage to British Guiana. As regards repatriation, they are placed on terms of equality with those that start as labourers.
- (f) Similarly, reward grants of five acres of land, specially prepared, are to be given to both classes of agricultural settlers on the completion of three years residence, during which time they may have been engaged either on their own account or as labourers, in any form of agricultural work in the colony.
- (g) Non-agricultural settlers are also to be encouraged to emigrate by providing free passages for them in some cases and assisted passages in others. Traders and small capitalists will be given cheap passages.
- (h) One religious minister for each group will be taken free on each voyage with right of repatriation free.

Thus, it is obvious that while the Nunan-Luckhoo scheme provides for the free immigration of both classes of agricultural settlers, namely, those who would in the first instance commence their careers in the colony as labourers as well as others who on arrival instead of seeking employment, would straight away purchase or lease lands and start farming on their own account, the Governor's scheme promises free passages only to

those emigrants that undertake to serve under some employer for a period of three years. Further, while, the Nunan-Luckhoo scheme offered equal facilities in regard to free or assisted return passages and reward grants of lands to both classes of agricultural settlers, the Governor's scheme aims primarily at securing a supply of labourers only. Under the former, some inducement, however inadequate, was offered to non-agricultural settlers; the latter, being principally a labour scheme, does not include them within its scope. Even in regard to the purely labouring section of immigrants, the Governor's memorandum suggests a further curtailment of their rights to free or assisted return passages. Then, again, while the Nunan-Luckhoo scheme recognised the urgency of improving sanitation, housing accommodation and water supply as well as drainage and irrigation, the Governor's scheme is studiously silent on these important points. The latter, further, differs from the former in the discrimination it makes against the old settlers in the matter of inducements to work, such as improved types of houses and "reward grants of lands," offered to the new comers. The Governor's scheme, in these circumstances, must be regarded as one radically different from the Nunan-Luckhoo scheme which was placed by the duly accredited representatives of British Guiana before the Committee of the Imperial Legislative Council for consideration.

What has already been stated, makes two points in regard to the scheme under review absolutely clear, first, that it is frankly a labour scheme; and secondly, that it has been devised mainly in the interest of the sugar planters. The resumption of immigration from India under such a scheme will tend to affect adversely the condition of the resident labourers, Indians as well as others, in the matter of wages, housing and land settlement. The resident labour population is apparently excluded from the scope of the benefits under the scheme, though the scale of wages paid to it will be determined by the rate at which the new comers are paid. Similarly, as we were informed by His Excellency the Governor, the improved types of cottages will be reserved for immigrants who may go hereafter, while the old labourers will continue to live in the old ranges. Therefore, the adoption of the present scheme will place resident labourers at a serious disadvantage, as compared with the new comers. One would expect that the resident labourers should have the first claim to the benefits of land settlement. To neglect their claim for prior consideration is unjust. It will breed discontent which may lead to friction between residents and new comers. There is another point that needs emphasizing. Under the Governor's scheme an immigrant can get as a reward grant five, or two acres as the case may be, of specially prepared land after three years' service, under a registered employer. These labourers who went to the colony under indenture have put in more than the required period of residence, and, in consequence, acquired greater experience and knowledge of agricultural conditions prevailing there. And yet they are not to be given land, which the new comers are offered. Surely, under any scheme of land settlement, preference should be given to those who have larger experience, due to the longer period of work. That it has not been proposed may be due, as was pointed to us by more than one witness, to the fact that there is at present moment no land specially prepared and within

easy reach of the market available for purposes of settlement. "It is not a case of land crying for settlers, but of men crying for land and crying in vain," said the representative of the farmers' conference.

The opinions received in regard to the merits of the Governor's scheme may, for the sake of convenience, be considered as falling into three separate categories, according to the different interests represented by various witnesses: first, the planting and the commercial interests; secondly, the representatives of the non-Indian community other than the planters, and thirdly, the Indian community in the colony.

The Hon'ble Mr. Brassington, President of the Sugar Planters' Association and of the Royal Agricultural and Commercial Society, may be taken as representing the views of the first group. He favoured the scheme as he thought that it would be very unwise to bring labourers of any sort and dump them on land. They must undergo a period of apprenticeship on the sugar estates, in order to get acclimatized and acquire a knowledge of local conditions. It was a stupendous proposition, he said, to bring people to settle on land through any other channel than the sugar or cocoanut estates. He admitted that the Indians already in the colony were entitled to preference in regard to the grant of land; but added, that some of the promises made by Dr. Nunan and Mr. Luckhoo to the Government of India were impracticable, although made in perfect good faith. He referred in particular to the promise of five acres of land to each man. They could give 500 acres of jungle, he added, but of what use would that be? He stated that owing to the shortage of labour, there had been a serious reduction in the acreage under sugar cultivation, and demurred to the suggestion that there was any insufficiency of work on account of the present economic crisis. Mr. Cressal, who represented the same interests, also emphasized the desirability of the immigrants passing through the sugar estates on to the land.

The first point that strikes one in connection with this group, is their obvious anxiety not to admit that, under the present circumstances of the colony, it is settlers, not labourers, that are wanted. They are at pains to emphasize that though the settlement on land was to be main object for the bringing in of fresh immigrants from India, it was absolutely necessary for them, in their own interests, to put in "three years' problem" on sugar estates. Where is the land available for settling these men? Mr. Brassington characterized the proposal put forward by Dr. Nunan of giving five acres to each man impracticable; but a similar proposal also forms part of the present scheme. If that was impracticable, would not this one be too? And if specially prepared land, free from floods and well drained, is available on a large scale why have not the resident Indians, whose claims to preference were admitted by Mr. Brassington, been given land? Moreover, the reason given for insistence on three years' probation does not carry conviction because, for instance, punt-loading cannot teach one how to grow rice. Then, will not one year suffice? The second point to call for notice is the statement that a considerable area had gone out of cultivation, owing to the insufficiency of labour supply. Now, to a certain extent, it may have been so; but when one remembers the closing down of several sugar estates,



such as Windsor Forests, Cotton, Tree, Bush Lot, etc., in the past or "the complete cessation of work on six sugar estates and the impending collapse of several others during the present crisis, which has led to the throwing out of employment of 15,000 people, it is difficult to agree with Mr. Brassington. His denial of the fact there is a large number of labourers out of employment, at the present time, owing to the economic depression does not easily fit in with another statement made by him and other members of the Combined Court in the course of their address to the Under Secretary of State for Colonies to the effect that "15,000 people had been thrown out of employment on account of the cessation of work on six sugar estates."

The second group consists of the Hon. Mr. Webber, the Hon. Mr. Thorne, Mr. Britton on behalf of the British Guiana Farmers' Conference, and Mr. Critchlow who represented the British Guiana Labour Union. The Hon'ble Mr. Webber is the editor of the *Daily Chronicle* published in George Town, and has also written a novel called "Those that be in Bondage," which deals with the life of an indentured immigrant on the sugar estate. Neither a planter nor an East Indian, he may be expected to take up an attitude of impartiality. That he is in no way an anti-planter, is conclusively shown by the fact that on the Board of Directors owing the paper and responsible for its policy, the planting interest is well represented. The members of the Deputation were impressed by his frankness and fairness in giving evidence. He described the scheme as "very confusing" and "was struck by its lack of preciseness." He further said, "the newly proposed scheme leaves me in a state of mental confusion," and added "as far as I know, this scheme has no authority behind it. It might be the Governor's personal views, but he has no authority to propound it on behalf of the Colony." Asked if he thought the present scheme to be a labour scheme, he replied that it was. "The moment the element of return passage is introduced, it seems to be frankly recognised that the repatriates are only going to labour for a period to increase their own wealth and incidentally the wealth of the country they go to and then return to their homes. It presupposes they are only going to labour and return, and not as settlers going to a country to make their new homes." He would not favour the resumption of immigration so long as the present economic depression continued and the sanitary conditions were not improved. In the *Daily Chronicle* of the 17th March 1922 he strongly pressed for prior consideration being shown to those who were already in the colony, so that the Government of British Guiana might not be charged with being "more concerned with elaborating schemes for people yet to come, while neglecting those who bore the heat and burden of the day. By all means, when the industrial situation is opportune, get every additional colonist into the country; but by all that is great, neglect not the call of those who are crying night and day for certain essentials." The Hon'ble Mr. Thorne, who had opposed in the Combined Court the resolution relating to the Nunan-Luckhoo scheme of colonization, described the Nunan-Luckhoo scheme as impracticable and the present one as "idle." In his opinion, they had more labour in the colony than could be profitably utilized; and held that arrangements as regards drainage and irrigation were exceedingly bad. Similarly, Mr. Critchlow, describing the scheme as a

labour scheme, opposed it on the ground that it was not a colonization scheme, and that, so far as the supply of labour was concerned, there was not enough work for those already in the colony. He would like to see first the conditions "regarding, drinking water, sanitation, etc., improved for those at home." Mr. Britton complained of want of sufficient land well-drained and properly irrigated, where immigrants could be settled. He held that as there was abundant labour available in the colony for its immediate requirements, there was no need to send for more. Asked to state the reason why the Black does not as a rule like to live on the estate or work there, he said "No one likes to live in surroundings which they considered to be bordering on slavery." He mentioned the fact that in 1919 an attempt was made to get labourers from Barbados and Grenada, but that very few of them cared to stay and work on the sugar estates.

Representative Indians in the Colony unanimously press for the rejection of the scheme. Naturally, in a matter like this, great weight must be attached to the views of Indian leaders like the Hon'ble Mr. Luckhoo and Dr. Wharton, both of whom, as already stated, visited Indian in as Mr. Luckhoo is a distinguished member of the Bar; so is Dr. Wharton, just a leading Medical practitioner. Both of them were strong supporters of the Nunan-Luckhoo scheme, and continued to support it, although by so doing, they became unpopular with a section of their community, that was opposing it. Neither of these two gentlemen favours the present scheme. Dr. Wharton would support a colonisation scheme only if "it embraced what was in the pamphlet issued by him and his colleagues in London, in their capacity as members of the British Guiana Deputation in 1919." Nothing less than that would meet with his acceptance. Asked to state his opinion of the present scheme, the Hon'ble Mr. Luckhoo said, "I would not for one moment favour the present scheme being put into operation at all in this colony." He further stated that in submitting the scheme to the Indian Government, Dr. Nunan and he promised that questions of housing and sanitary improvements, etc., would be conditions precedent to the bringing in of more people from India. There was a number of people in the colony, who desirous to get land, but specially prepared land was not available. In his opinion, no immigration should be allowed, unless and until labour already in the colony had been absorbed, The people already in the colony, he thought, should be given preference in the matter of land settlement.

Similarly, Mr. Vipree, a Solicitor of George Town, speaking on behalf of the East Indian Association of British Guiana, strongly opposed the scheme. One or two Indians who differed on certain points from their leaders and compatriots were at one with them in opposing the scheme.

As a result of what has been stated above, we have come to certain conclusions in regard to the scheme, which we now state as briefly as possible

(1) We are satisfied that immediate resumption of immigration is neither desired nor desirable. Evidence on this point is unanimous. When as a result of the present fall in the price of sugar, six estates have been closed down and fifteen thousand persons have been thrown out of em-

ployment, it would be folly to allow emigration. During our enquiry, we did not come across any one in British Guiana, who was in favour of its immediate resumption. His Excellency the Governor informed us at the last interview he gave us that he was not favourable to the resumption of immigration from India till the end of 1924; and not even after that date, until cottages of improved type had been put up. There is, in our considered opinion, abundant labour available for the present, and the question of securing more men can only arise, when the labouring population resident there has been fully absorbed. We found in the colony a large body of workers out of employment and such of them as were working were bitterly complaining, not without justice, of the extremely low wages they were being paid.

(2) We have already stated that the present scheme is only a tentative one; and that it does not represent a **firm offer**. We have roughly indicated in what direction it radically differs from the Nunan-Luckhoo scheme. It is substantially the scheme put forward by the Inter-departmental Committee which was admittedly with the sole object of securing from India a continuous supply of labour which had been stopped first by the suspension, afterwards by the abolition of indentured emigration and the continuance of which was of vital importance to the colonies concerned, not merely from the point of view of development but also for the maintenance of existing industries. It represents no advance upon the offer made to India through the Nunan-Luckhoo Deputation by British Guiana in 1920, but actually makes a serious subtraction from those terms, and marks a definite and complete return on the part of that colony to the proposals made by the Islington Committee in 1917 and found unacceptable at that time.

(3) In these circumstances, and bearing in mind the unanimous opposition to it by the East Indian community of British Guiana, we have no hesitation in recording our deliberate opinion that the Governor's scheme in its present form must be rejected.

His Excellency the Governor told us that, owing to the present economic crisis, he was not in favour of emigration from India being resumed till the end of 1924; and, not even then, if cottages of an improved type have not been put up.

The Indian community of British Guiana would not favour emigration from India until 1930; as they require time to settle down, and to raise themselves from the prevailing state of depression and backwardness. They urge that the immediate resumption of emigration would aggravate and prolong the existing evils. The Hon'ble Mr. Luckhoo is strongly opposed to any emigration for at least another five years. Indians in British Guiana are strongly opposed to the acceptance by the Government of India of a purely labour scheme.

P. KESAVA' PILLAI,

President.

VENKATESH NARAYAN TIVARY.

# ABSTRACTS FROM REPORT

OF

G. F. KEATINGE, I. C. S.

For the purpose in hand British Guiana may be divided up into three parts, viz. :—

(a) The belt of alluvial clay and detrital matter, marked blue in the map, lying along the coast, has a breadth of from 10 to 40 miles. The alluvial clay consists of a rich and fertile bed of deep mud brought down by the Orinoco river, and upon this has been superimposed in places detrital matter of vegetable origin, brought down by the local rivers, giving a soil of great natural fertility. The whole of this belt is below the level of the sea at high tide. It is protected from the sea by elaborate sea defences constructed and maintained by the colonial government; and to make it fit for cultivation it needs to be effectively drained. In such a situation drainage is naturally a matter of some difficulty; but large blocks have been laid off for cultivation by throwing up earthen dams and introducing a system of drains and sluice gates, so that the surplus water can drain away into the sea or the creeks at low tide. This method of laying off the land is known as empoldering. In some cases drainage can be provided by gravity flow, but in other cases an elaborate pumping system is necessary.

(b) Behind this belt of alluvial clay is a belt of sandy and clayey sedentary soils, derived from the distintegration of the various country rocks traversed by sand dunes which rise from 50 to 180 feet above sea level. This belt contains naturally drained land and offers a good living place for man and beast. The sandy soils often do well under temporary cultivation, and some of the soils in this belt may offer fair prospects for the growing of particular crops under careful treatment; but consisting, as they do, of sand reefs, poor laterite soils and intractable laterite clays, they offer little encouragement for the growing of ordinary field crops, and for crop production compare very unfavourably with the rich alluvial soils. When the sand reefs adjoin the alluvium, the proximity of these two classes of land offer good facilities for settlement, since the sandy ground is healthy and attractive as a dwelling place for man and beast, while the soil suitable for cultivation is close at hand. To some extent advantage has been taken of this combination of circumstances in Essequibo Country, near Suddie, where the sand reefs run down to the main road along the sea shore, but over most of the coastal tract the alluvial belt is much deeper, and the population is of necessity concentrated along the main road, running through the wet alluvial soil near the sea; while the line at which the sand reefs adjoin the alluvium is much further back, with no available communications, the rich soil a swamp and the sand reefs a dense forest.

(c) The hinterland behind the sand and clay belt, and beyond the distance for which the rivers are navigable, is a vast uninhabited expanse of country which has never been systematically explored from the point of view of agricultural development. In the interests of future development it

is much to be desired that a soil survey of this area should be carried out by an agricultural expert. People who have been in the interior are unanimous in declaring that this vast tract includes many stretches of varied and excellent soil. It is mostly under primary forest, but there are large stretches of undulating savannahs (grass lands) suitable for ranching. I have been informed, in particular, that there are excellent stretches of soil on the upper waters of the Berbice and the Pomeroon rivers. In the interior there are high mountains, elevated plateaux with a healthy and temperate climate, an abundance of good water, and facilities for water power. It would therefore seem to offer good prospects for future development. So far as the present is concerned, however, the point is that the interior is very inaccessible, and in the absence of communications it is not a practicable proposition for small holders without capital to settle there, unless they are prepared to lead a self-contained and savage life. The difficulty could be overcome by opening up the interior with roads and railways, but this would involve a heavy expenditure for which funds are not at present available, and from which any adequate return would be problematical.

It is mainly for the reasons indicated above, the swampy nature of the alluvial belt on the coast, the infertility of the sand and clay belt behind the alluvium, and the inaccessibility of the interior, that the efforts to populate the colony have never been successful, and that 99 per cent. of the colony remains to this day unoccupied. In view of the proposal to colonize British Guiana with Indians, the solution of the problem is of interest, not only to the colony, but also to India.

Considering the latitude of British Guiana, which is 7 degs. and comparable with that of Ceylon, the temperature is extremely mild. For practical purposes the range appears to be from 70 degs. to 90 degs. Fahr., and during the month of April, I noticed that the extremes were 72 degs. and 82 degs. The climate of the coast is not unlike that of the Bombay Konkan, but distinctly cooler and pleasanter by day. At night there is never any sting in the air. Few Europeans find it necessary to wear sun helmets, and most of them wear an ordinary felt hat. On the hills, even at slight elevations of 200 or 300 feet the climate is markedly pleasanter, indeed the climate on the hills in the N.W. district (about 300 feet high) reminded me strongly of that of Mahableshwar in May. The N.E. trade-wind that blows almost throughout the year keeps the climate pleasant, though I understand that there are periods in August when these winds fail and the climate is unpleasantly humid and stuffy. In the far interior I understand that the range of temperature is much greater; but speaking generally, the climate of British Guiana presents none of the features of extreme heat and a considerable degree of cold which one associates with the plain country of northern and central India.

So much for the condition of Indians who have settled as land-holders. The question now arises as to what are the immediate prospects for Indians who wish to acquire land in British Guiana. It is regrettable to have to state that as things are at present the prospects are not at all good. A man who has ready money to put down can buy occupied land at the cur-

rent market rate of about 50 dollars an acre, though small holdings are not often on the market. It is open to any one to take up waste land on the rich alluvium, on easy terms, and to engage single-handed in a struggle with the undrained swamp and jungle, without communications or the elementary conveniences of civilization; but the struggle is too severe for the small man. Communities of Indians, equipped with a fair amount of capital, have done this in the past with considerable success; but the best spots have already been picked out and occupied, and the back lands present greater difficulties. In many places Indians represented that they wanted to take up more land, and that it was not available. The Agent General for Immigration also informed me that formerly he had opened a register for Indian Immigrants who wanted to take up land suitable for immediate cultivation, and that no less than 5,000 men registered their names for this purpose; but so little suitable land was available that he gave up registering further names. Government might, of course open up suitable tracts of land in the alluvial area by means of comprehensive drainage and the construction of communications. Many surveys for such a purpose have been made; but the Colonial Government has neither the funds nor the organisation to do this on a large scale, and it is objected that it is not business to spend (say) 80 dollars an acre, on reclaiming land which may be worth 50 dollars an acre when the operations are completed. It would also be open to Government to purchase sugar estates which come on the market from time to time, and break them up into small holdings, as has been done in the cases of Windsor Forest, Jalousie and Hague, already mentioned. This certainly offers an obvious means for the colony to retain as permanent settlers many of the Indians who now return to India every year because they cannot get suitable land of their own in British Guiana. I understand that the chief thing which prevents the Government from doing so is the difficulty of finding the funds for the purpose. Thus with millions of acres lying waste there is a large and unsatisfied demand for land. The land is there land of excellent fertility—the men are there, but the requisite capital is absent.

To sum up the position as regards wages, the facts appear to be as follows. Prior to the war wages certainly permitted savings, and the best workmen did save on a considerable scale. In the sugar boom that occurred during the war wages were very good, savings were larger, and the standard of comfort went up. The present is a time of great depression. Wages are higher than before the war, but the difference is probably not so great as the difference in cost of living. Wages now permit a good workman to live well up to his standard of comfort and in some cases to save a little; but the less efficient workers find life hard, and amongst them there is a good deal of distress. There is still a demand for more labour on some estates, but it is not easy for a labourer to take advantage of this, for want of suitable accommodation; so that the labourers on estates which have closed down often find it difficult to obtain work, and many who have savings are reluctant to accept the lower rate of wages now offered. The sudden change from abnormally good times to an abnormally bad one has caused general dissatisfaction.

It is necessary, however, to refer to the poorest class, the broken men described above as submerged and living from hand to mouth. It is not possible to give the exact proportion of these to the whole population, but whether they be put at 10 per cent. or at 25 per cent. of the whole, their case is bad. A sprinkling of them are to be found in all parts of the colony, but it is in George Town that they collect in numbers and are most obvious. They go there to look for odd jobs and to beg; and they live largely in the streets. They are the men who from ill-health, incapacity or misfortune have been broken in the struggle. A large proportion of them are ganja smokers and rum drinkers. It is not surprising that some men should fail to make good. This occurs in any country, and still more so in any colony to which immigrants have been transplanted from their native surroundings. In this case, however, the break in institutions is more violent than is usually the case with emigrants of Western races. The Indian has been accustomed in his own country to the familiar institutions of the joint family, the caste organisation and the village community, to what has been termed "the beneficial co-operative rural life whereon the whole system of the civilisation of the Hindus has been immemorially based." Whatever may be the ultimate effects of such a system, it does, to some extent, secure the object aimed at, and offers several lines of defence to the people in their struggle with nature. The blows of fortune, which under an individualistic system would be borne by the individual, are borne by a group, and except in times of widespread distress it is not necessary for any government in India to organise poor-relief. In British Guiana the system is one of competitive individualism, pure and simple, and even the obligation of private charity is not recognised to the same extent as in India. An Indian working on a sugar estate aptly summed up the situation as follows:—"Who get money keepum; who no gottum go before;" which being interpreted means, "Every man for himself and devil take the hindmost." For the less competent life is hard, and the man who would resort to the seductive expedient of a running account with the village bania, as in India, is faced with the sign which stands over many provision shops in the colony—"In God we trust; all others cash down." Under the competitive system the more competent Indians flourish exceedingly, and a large class reach a degree of comfort and independence which they could not hope to reach in India; but as a natural corollary the incompetent and unfortunate go under badly. It was no new experience to me to see Indians living in extreme poverty, nor did I see amongst the beggars in British Guiana such terrible sights as assail one in any Indian city; but the human wreckage of the Indian community which drifts about the colony and congregates in George Town is a very pathetic sight. A Poor-House is maintained for those hopelessly broken; but I think that the colony might do more those one degree less broken, by maintaining a farm colony for them and by being more generous in providing free return passages to India for such as wish for them. Something also might be achieved by a more stringent control of the use of ganja and alcohol which frequently causes and generally aggravates the trouble.

In theory education is compulsory in the Colony to all between the ages of 6 and 14 in urban districts, and between the ages of 6 and 12 in the rural districts. Attendance for 12 1/2 days a month in the former districts and for 7 1/2 days a month in the latter, satisfies the law. In practice it is not found possible to enforce this regulation completely, and the percentage of children within the compulsory limits to be found on the school registers is only 80 per cent. for boys and 64 per cent. for girls. Warnings are issued every year in some 3,000 or 4,000 cases to parents who do not send their children to school and in 1919 convictions for this offence were obtained in 2,000 cases, but the fines inflicted are small and amounted, on the average, to less than Re. 1 each. Apparently, however, the children who do attend school are present on far more days than the law requires, since the average attendance is well over half the number of children on the books. If parents wish to keep their children at school between the ages of 12 and 14 the law provides that they should pay the teacher 4 cents (2 annas) a week. It is found that, on reaching the age of 12, 96 per cent. of the children are withdrawn; between the ages of 12 and 14 the proportion which remains unpaid is not less than 95 per cent. The teacher is unwilling to attempt to enforce the payment in any case, since it would mean that the child would be withdrawn from school. There are 224 Government primary schools, besides the schools of the Canadian mission where some 1,000 children are educated. Half the population of the colony above the age of 5 is said to be literate. Indians appear to be the class which takes least advantage of the education offered. Less than 8,000 Indian children attended the primary schools in 1919 out of a total number of 34,000 pupils. Thus while the Indian community forms more than one third of the population, they send to school less than one quarter of the total number of pupils. Over half of the teachers are women; 30 per cent. of the teachers are certificated. Amongst the teachers are 15 Indians of whom 6 are certificated. The standard of teaching at the schools is not considered to be high, but the general housing and management of the schools appeared to me to be satisfactory. There are 11 secondary schools providing for 900 pupils, and an industrial school which provides for 160; and at the Queen's College in George Town a high class education can be obtained.

Dr. Nunan's scheme is regarded by many in the Colony as a "Colonization Scheme," while His Excellency the Governor's scheme is regarded as a "Labour Scheme." Many public bodies and individuals brought this distinction to our notice, and a strong body of opinion declared itself in favour of a colonization scheme, and not in favour of a labour scheme. I consider, however, that this is a distinction which denotes no practical difference, since investigations have made it clear that there is at present no unoccupied land available in British Guiana in such a condition and situation as would offer any prospect of success to Indian immigrants who might attempt to settle upon it immediately on their arrival in the colony as independent peasant farmers. The scheme put forward by Dr. Nunan and his colleagues appears to have been based upon a misapprehension of the physical facts which govern the agricultural situation and upon a mistaken idea of what the colony could afford. It therefore remains for me



to examine the scheme now put forward by His Excellency the Governor, remembering that this scheme is only a tentative one, and that on matters of policy and finance the Court of Policy and the Combined Court have the last word in British Guiana.

Now the scheme which appears to me to be the most attractive, and which I imagine would appeal most to public opinion in India, is a scheme which would provide for the immediate settlement on suitable land, as small holders, of the Indian immigrants. It must, however, be recognised that the circumstances would have to be very unusual in any colony to enable the government to settle immediately on the land, as independent farmers, all immigrants who might choose to come, whether they were possessed of capital and agricultural skill, or not. I know of no colony which attempts to work any such miracle. The scheme put forward by His Excellency the Governor, on the other hand, provides for the immigration of any class of Indian immigrants, as in former times, and assumes that most of the immigrants will, of necessity, work for wages when they first arrive, and it guarantees to them work with selected employers. It assumes that during a period of three years they will learn the conditions of the country, acquire some agricultural skill and save little money; and at the end of three years of such work it offers them grants of suitable land. For such as do not wish to remain in the colony it offers repatriation on far more generous terms than have existed in the past. I think that the terms offered are as good as the physical and economic facts of the situation at present make it possible to offer. The question is whether they are sufficiently attractive from the point of view of the Indian immigrants. It has been shown in the past a large number of the Indian immigrants have reached affluence and competence, and apart from the old system of indenture with its objectionable penal clauses, which has now been abolished, the two chief difficulties have been that men who had done well as labourers and who wished to take up land were often unable to obtain suitable land, while men who did badly as labourers and who wished to return to India were in many cases unable to get repatriated. The scheme now put forward offers suitable land holdings after three years service to such as wish to settle, or in the alternative guarantees repatriation, free of cost, after 7 years, which is a great improvement on the existing arrangement by which repatriation is granted only after 10 years service, and then at a charge of 1/2 the cost of the passage in the case of males and 1/3 the cost of the passage in the case of females. I have referred to the holdings mentioned in this offer as "suitable" holdings; by which I mean that they appear to be suitable, inasmuch as the terms of the offer are that they are to be immune from flooding, drained and suitable for cultivation. The location of such lands has not been settled; so it was not possible to see them, nor is it possible to express any opinion about them except as regards what appears from the terms of the offer. There is, however, plenty of rich land which could be put into condition suitable for the formation of small holdings by means of empoldering operations and the construction of roads. This is merely a matter of cost, and the Colonial Government say that they have funds for the purpose and are prepared to spend them.

Amongst the labouring classes in the colony there was a good deal of opposition to this scheme, since it was thought that the effect of importing fresh labour would be to keep down wages. Further, the labourers, both Indians and those of African race, objected to concessions being offered to newcomers which were not offered to themselves. Such objections are natural. Care should certainly be taken to see that labour is not imported in excess of requirements; and at a time of great depression, as at present, it would be disastrous to flood the country with surplus labour. It seems to me, however, that it is unlikely that the Colonial Government would attempt to do anything so prejudicial to its own interests. Further it is capital which employs labour and nothing will do so much to attract fresh capital to the Colony, for the development of its undoubted resources, as the knowledge that labour can be obtained. For greater security it would be desirable that the Government of India should have a supervising officer in the colony, to advise them regarding the demand for labour at any time and the wages available, so that the supply of labour might be regulated in accordance with circumstances. The scheme put forward suggests the appointment of such an officer. To make the labour situation clear to the supervising officer and to others it would be desirable that figures of wages and cost of living should be worked out at frequent intervals in the colony, and the demand for labour estimated. Subject to these safeguards I think that the scheme proposed by His Excellency the Governor of British Guiana is a suitable one and would provide favourable terms for Indian Immigrants. The scheme is put forward tentatively for discussion, and I think that it merits favourable consideration.

It will be realised that Indians in the colony do not exercise political influence in any degree proportionate to their numbers; but it is recognised by them generally that the remedy for this lies in their own hands. In this connection it is worth while to quote a paragraph from the address presented to us by "The British Guiana East Indian Association," the most important Indian political association in the colony, viz:—"As members of the community in general, with whom we live in harmony and good fellowship, we are also pleased to state that we enjoy equal political and municipal rights and the other privileges of British citizenship, as well as freedom in the exercise of our religious rites and practices." It was alleged, on one occasion, that in some cases Indians were debarred from registering themselves as voters on the ground that they were not literate in English, although the law provides that literacy in any language is sufficient. During the period our stay in the colony the Government of British Guiana had an enquiry made regarding this allegation, with the result that the facts alleged were not substantiated in any case. Various suggestions were made to us for altering the electoral system of the colony with a view to give Indians greater political preponderance than at present. It was suggested that a system of communal representation or of proportionate representation should be introduced, that the literacy test should be abolished, the property qualification lowered, and that various changes should be made in the details of the electoral system. I think, however, that the Indian community generally appreciated the fact that they had political

right equal to those of any other community, and that the reason why they did not exercise greater political powers was that they neglected to use the rights which they possessed. I have no recommendations to make for any change in the electoral system, nor do I know how far the Colonial Government would be prepared to agree to any specific proposal put before it; but I am satisfied that it is the intention of the constitution to give equal rights of representation to all communities; and if it is found that, in any details, the present arrangements do not secure this object, I believe that the Government would be prepared to make the changes of detail necessary to secure it, if the Indian community were to represent the matter.

The difficulty appears to be this. The marriage customs of Indians in British Guiana are in a state of transition. The older generation adhere to the custom of child-marriage and marry off their children in childhood, with or without notification to the Marriage Registrar; but when the children grow older, they are often not content to abide by the choice of their parents, and seek fresh unions of their own choice. In the free life of the colony women have a position of far more independence than they have in India, and it is stated that as many as 75 per cent. of the girls married in childhood seek fresh unions in later life. If the marriage originally conducted by Indian priests was never notified, these later unions can be legalized. If the original marriage was notified, these later unions cannot be legalized so long as both the original contracting parties are alive. The matter, therefore, is one of considerable difficulty. His Excellency the Governor invited the opinion of the Indian delegation on the subject, and opinions were expressed by the Indian members of the Delegation. I understand that the view of His Excellency the Governor is that he would be prepared to recognise any marriage which is of a permanent nature, but is not prepared to recognise as marriages unions of a temporary nature. The matter is not one on which I feel competent to make any recommendation.

There is one other point which demands mention here, and that is the position of the immigrants who return to India. When these men return to India they find prices much higher than they were 10 or 20 years ago, they often cannot endure the standard of living or the climate of India, they find work difficult to obtain, and they run up against many social difficulties. The result is that soon after their arrival in India a large number of these returned immigrants clamour to be sent back again to British Guiana, and, under existing regulations, are often not able to procure this. I have discussed the matter with some who have been through this ordeal, and others who have experience of it, and it seems to me that the problem is full of difficulties. The only thing that I can say in this respect is that it is quite clear to me that it would be mistaken kindness to repatriate to India many of the class of immigrants to British Guiana who are now asking for repatriation.

There now remains only one other matter to deal with in this Chapter. At the time of our visit everybody in the colony was suffering severely from the depression in the sugar market. There had been a rapid fall in

wages for a year or more, and real wages were probably at a lower level than before the war. Many immigrants were sore at the increased cost of return passages to India, some had personal grievances, some were sick and others were homesick. For the broken men, the human wreckage that I have already described, life was hard and unattractive. It was natural, therefore, that we should be assailed with many complaints. What added materially to the number and intensity of the grievances presented to us was that the arrival of the Indian Delegation had been awaited with eagerness by the Indian community. The most extravagant ideas of our mission were current amongst the working classes; that we had come with ships to take back to India all who wished to go; that we were come to redress all grievances and supply all deficiencies, and so forth. We were garlanded amidst shouts of "*Mahatma Gandhi Ki Jai*," and some of the suggestions made to us by leading men implied the belief that the Golden Age had returned, and that questions of expense need no longer be considered. Allowing for all this, however, I find it necessary to deal at some length with a general complaint of ill-treatment, because, if I believed that there was any substantial ground for such allegations, I should find it impossible to recommend the continuance of assisted immigration to British Guiana. Wherever we went we were met by a crowd of the least prosperous classes of Indians, collected together from the neighbourhood, who complained that they were beaten and ill-treated, made to work for long hours, underpaid and often turned out of their quarters. These complaints were mainly directed against the authorities of sugar estates, the overseers and the sardars; but in localities where sugar estates did not exist analogous complaints were freely made against Indian landlords and employers. Now with regard to the sugar estates, it must be admitted that there are features in the situation such as leaders of organised labour in any western country would object to. The sugar estates are by far the largest employers of labour in the colony, and most of the labourers depend on them not only for their wages, but for their houses, their rice and garden plots, their grazing facilities and their medical attendance. No labourer is now under any legal compulsion to continue to work on any sugar estate, if he wishes to leave it; but economic necessity may often compel him to do so. If he leaves the estate he does not know what employment, housing or means of living he may get elsewhere. When a man has saved 100 dollars, he is economically a free man. Until he has done so he is not a free man. This no doubt is the case in other countries also. Most Indians do reach this state of competence; but many never do so. The principle "no work no pay" does not appeal to them, and they clamour to be sent back to India "where someone will look after them." It must not be thought, however, that in British Guiana capital is supreme and is in a position to treat labour as it likes. On the contrary, the most marked feature in the economic position of the Colony is the great deficiency of labour. It is essential to the success of any estate to keep the labourers contented, and there are a large number of Indians who work for the same estate from father to son, and rise to position of responsibility and trust. They have identified their interests with those of the estate, and the estate looks after them well. There are others, however, who, for one reason or another, are not considered to be good workmen,

and who would not be kept on the estate, if other labour were readily available. There is liable to be friction between the estate authorities and such. If a labourer living on the estate and enjoying the advantages of doing so does not turn out to work a reasonable number of days in the week, the estate authorities bring pressure to bear on him to do so. This constitutes a grievance. The alternative is to dismiss the man, which involves turning him out of his quarters to make room for another man. This constitutes a worse grievance. I cannot, however, regard the labourers, as a whole, as down-trodden by the estate authorities; indeed I have seen them adopt an attitude of truculence to the manager which I do not think any Indian *Zamindar* or English farmer would tolerate from his labourers. As regards specific allegations of ill-treatment such cases were naturally difficult to verify. They are bound to occur anywhere in analogous conditions; but I believe that in the colony they are rare, and that adequate facilities exist for any man who has a grievance to seek redress. Estate managers are available to receive complaints at specified hours. If redress cannot be obtained in this way, the aggrieved party can complain to the Immigration Agents whose duty it is to investigate such complaints and to take action on them. Failing this the labourer can seek redress in the ordinary courts, and has legal practitioners of his own community ready to take up his case. I have dealt with the matter at length because some leading men of the Indian community laid stress on the fact that that, in general, labourers on the sugar estates received bad treatment. The statement had been made in India that in the colonies labourers were treated like cattle, and that nothing was done for their material or moral advancement. Mr. J. A. Luckhoo, asserted in his formal evidence that this statement was applicable to British Guiana, though he afterwards modified his remarks to the effect that it did not apply to all estate managers. I think that such an allegation is a gross libel on some of the managers whose estates I visited, who take a great interest in the welfare of their labourers and have established most cordial relations with them. All managers do not reach this standard, and amongst the many managers appointed to estates there must be some who are apt to be harsh; but I do not believe that anything like brutality or systematic ill-treatment could go on without an enquiry being made and redress obtained. In this connection, I would quote the formal evidence given by Mr. J. W. Permaul, an Indian, well acquainted with the condition of Indians on the sugar estates. He was a keen partizan of Indian rights and aspirations but he gave his evidence carefully in a way which impressed me that he wished to be fair. His statement, as reported in the Press, is subjoined below:—

‘Mr. J. W. Permaul, of Rose Hall, Corentyne, said that he had travelled to India about sixteen times during ten years as a compounder. He was acquainted with labourers on sugar estates. He thought that the wages paid to them were inadequate. The treatment mentioned as meted out to labourers was somewhat exaggerated. He would not say that the treatment was bad, but there was a certain amount of hardship connected with it. A labourer was compelled to work in some instances when he was not fit to do so. If the estate was in operation and he was needed he was compelled to work, and unless he showed distinct signs of sick-

ness no notice was taken of him. The country was not fit for habitation outside the estates; the lands were not irrigated and drained for a man to live comfortably on them. The drinking water supply wanted looking after and on most estates it was bad. He mentioned Plantation Albion where the water practically passed through the burial ground which was behind the hospital. Another point to which he desired to direct attention was the deduction of men's wages on complaints made by drivers for offences which might be personal. Housing accommodation was not proper and did not lead to the moral upliftment of the people. He did not agree that they should introduce immigrants at the present time. They had no room for additional labour for the existing industries but they would need them if there was going to be any development. With regard to the Civil Service he thought that a certain number of positions should be reserved for East Indians. They wanted a certain amount of controlling power so that when the country became prosperous no legislation would be introduced to oust them. He drew attention to the question of child labour. Under the law no child should be employed under 12 years of age, but that was not observed."

The physical features of the colony have already been described, and the difficulties in the way of development stated, which briefly consist of the cost of draining and laying off the land in the rich alluvial strip, the infertility of the sandy strip, behind the alluvium, and the remoteness of the hinter land, in the absence of adequate communications. My tours in the coastal tract only served to impress upon me these difficulties, and it was not until I visited the North West District that I saw country which offered opportunities vastly superior to those of the other parts, which indeed presented facilities for small holders superior to anything that I have ever seen, though I have studied the question of small holdings for some years past in many parts of Europe, Asia and America.

The North West District consists of the vast tract of undeveloped country to the west of the colony, between the Pomeroon river and the Venezuelan boundary, a territory nearly 10,000 square miles in extent, occupied by a population of 11,000 persons, half of whom are aborigines (Caribs, Arawaks and Warraus). In this vast tract the total area under cultivation is only 3,000 to 4,000 acres of which 885 acres are cultivated by the Indian community of some 400 persons who live almost entirely in Morawhana, the head-quarters of the District, and in the adjacent tracts on the banks of the Barima and Aruka rivers. The tract of country which I was able to inspect in some details is the country south of Morawhana, surrounded by the Barima, Aruka, Koriabo, Itabo, Arawak and Amakura rivers, as far as the Portage on the South. It includes some 120 square miles at present almost entirely under fine primary forests, and consists of ranges of hills running to a height about 500 feet in places, and dipping sharply in some spots, gently in others, into the rivers, with a strip of swamp land between the foot of the hill and the river. A large area of these hills consists of red and yellow laterite soils derived from epidiorite and hornblended-chist. They contain fine loamy soils and good clays, some black soils which appear to be fertile, some gravels, and at places an outcrop of laterite rock. Towards the south are some soils con-

sisting of black sands and cream-coloured textureless clays, presumably derived from granitite-gneiss, which are very unattractive and would probably not be worth cultivating. Speaking generally, these hills contain a good proportion of very fine loams, upon which various kinds of citrus (Seville and Tangerine oranges, lime, grape fruit, etc.), bread fruit, cocoa, cocoanuts, coffee pineapples, bananas, vegetables and maize can now be seen growing luxuriantly and fruiting profusely. There are good plateaux, approximately flat on which I have no doubt that good crops of millets, pulses ground nuts, etc., could be grown by ordinary field method. I also feel confident that onions and garlic of which the colony now imports 140,000 dollars worth a year, largely from Holland, could be grown successfully here, and probably also potatoes. These hills offer good facilities for butter making and unusually good opportunity for pig-keeping. They provide a charming place to live in, are healthy and have a good supply of excellent drinking water. The climate and general appearance reminds me strongly of Mahableshwar in the month of May, with this difference that the trees are 150 feet high instead of being 15 feet. I wish, however, to make it clear that it is in the clay and "pegass" soils at the foot of these hills that the great wealth lies. These hills were, presumably, originally islands in the sea, and the clay soils at their foot is Orinoco mud, similar to that of the alluvial belt which stretches along the coast of British Guiana, already referred to. The "Pegass" soils consist of a deposit of vegetable matter, from a few inches to several feet deep, brought down by the local rivers and superimposed on the alluvial clay. In the clay lands rice and possibly jute could be produced to very good advantage, while the "pegass" soils produce maize, coffee and many kinds of ground provisions (tannias, sweet potatoes, yams, eddoes, cassava, plantains, bananas, pineapples and black-eyed peas) in great profusion and with a minimum of effort. They are cultivated, year after year, with a mixture of these crops without the use of any manure, and with no tillage of any kind or the use of any implement except a cutlass to cut back the weeds. It is the combination of these dry hills, healthy for man and beast, having soils good for ordinary field crops and many kinds of fruit and vegetables, having good natural drainage and supply of drinking water, with the very rich soils at the foot of the hills and an excellent system of natural waterways, through and round the area, with sufficient draft for large ships and connected with the only river in the colony which presents no difficulty to the entry of an ocean-going steamer, which makes the proposition attractive to a degree which, in my experience, is unique.

Building material abounds, including 10 varieties of trees which provide good timber, and 6 varieties of palms which provide staves, flooring, roofing, etc. The settlers have built themselves remarkably comfortable houses.

From what has been said it will be imagined that all a settler has to do is to go to this tract, take up land and be happy. For a resolute man of resource this is largely true. I met many Indian settlers there, including *chamars* and *bhangis*, who had excellent farms and were living in comfortable houses, with large families, well fed and well clothed; and they

were evidently proud of their achievements, as well they might be. Most of them have farms of 10 or 20 acres, some as much as 100 acres, and one Indian whom I visited had 45 acres under good cultivation. There are two great difficulties, however. The first is want of labour. These landholders all clamoured for more labour to be brought, and some men said that they were ready to take on 10 or 15 men. There certainly is a great lack of labour. Not only are many thousands of acres of this wonderful land lying waste for want of men to use it, but on the land that is cultivated, crops can be seen rotting for want of sufficient men to harvest them. Coffee also has been largely planted and bears profusely, but probably not more than one-tenth of the crop is gathered. The rest rots in the ground for want of labour.

What these landholders do, in their efforts to get labour, is to go to Georgetown and bring back with them some of the odd-job Indians who hang about the Georgetown streets. They give them dollars 5 or 6 a month, a ration of rice, fish and oil, and as much ground provisions as they can eat. But these men are mostly broken in physique or morals, and almost all of them smoke ganja to excess. The landholders can get no work out of them, and the labourers complain bitterly of the treatment which they receive from their employers. A large signed petition from the landholders of the North West District was presented to me, praying that this import of ganja might be prohibited. I passed this on to the Colonial Secretary.

The other difficulty is that this tract is very remote from the markets. The difficulty and cost of sending produce to Georgetown is great, and the price of all articles brought from outside is unduly high. The Indians settled in this tract expressed the difficulty by saying "the land is good, the climate is good, water is good; but there is no *bundobust*" This sums up the matter.

Here then is this remarkable land waiting for occupation by good cultivators; and when I remember the number of cultivators in India, in the congested parts of the Satara and Ratnagiri Districts, right good fellows engaged in the heart-breaking task of trying to support a family on two of three acres of indifferent land, I cannot but contrast their present condition with the opportunity which awaits them in this tract to lead their traditional life as peasant proprietors and to win through to comfort and affluence. At present, however, conditions are not such as to make it possible to bring cultivators from India and to leave them to settle down as peasant farmers by their own unaided efforts, since the land is covered by primary forest from the tops of the hills right down into the water. Even if a limited amount of assistance were given by Government to such settlers the only result that could be expected would be a slow and disorderly development, unsatisfactory to the colony, and attended with much pain and grief to the settlers. Before a satisfactory settlement scheme can be launched, capital must be made available and a suitable organisation called into existence to start the clearing of the selected lands and its division into suitable holdings, to provide the sawn timber necessary for house construction, to provide wharves and roads, to arrange for water supply, sani-



tation, educational and medical facilities, to advance the money needed by settlers for maintenance and preliminary operations, to fence off grazing areas, to provide live stock, to arrange for the provision of the necessary supplies and the profitable marketing of the produce, to advise and guide the new settlers to the best advantage.

If the Colonial Government is in a position to finance any scheme of this kind, it might well do so; but I understand that they would find it difficult to provide the requisite funds. It was for this reason that I ventured to put up a scheme to the Colonial Government for the development of some 300 square miles of selected country by a company to be formed for the purpose of settling 5,000 families on 50,000 acres, the Company to take the steps necessary for the successful development of the scheme, and to be recouped for its expenditure by a concession of land in the selected area. I believe that such a scheme could be successfully launched and worked at a profit, not only on account of the remarkable physical advantages which the territory offers, not only on account of the Indian settlers that it might hope to attract from India, but because there is a considerable demand for suitable peasant holdings both in British Guiana and in neighbouring West Indian Islands, a demand which has largely remained unsatisfied owing to the fact that the development of these areas has always proceeded on a plantation basis. The essence of this scheme is that the development should take place on the basis of peasant farmers. In this way the colony would receive the nucleus of the population that it so badly needs, a population which would spread up the existing water ways and would connect up the coastal lands with the interior. An outlet for surplus population would be provided for congested countries, and excellent facilities would be afforded to the settlers themselves. I believe that the existence of such a company would be the best guarantee for the adequate development of natural resources and a steady prosecution of the policy laid down; for if conditions were not made sufficiently attractive to settlers the company would lose the money that it had invested; whereas if it carried out its policy of development adequately it would soon create land values from which it could recoup itself, under the terms of its agreement. Apart from the introduction of fresh settlers from India, the scheme referred to above would incidentally provide the land suitable for the reward grants contemplated in the immigration scheme submitted to us by His Excellency the Governor, would satisfy the demands for small holdings which now exists amongst Indians and other communities in British Guiana, and would attract settlers from Barbadoes, Trinidad and other neighbouring islands and countries where there is a demand for land suitable for settlers of small means. I am unable to go into further detail here; but I may mention that I have collected much information about this tract which is available, if required.

I consider that the climate and natural characteristics of British Guiana are such as to offer splendid opportunities for Indian immigration, and that there are likely to be great possibilities in the future for Indian settlers to obtain fertile land and become substantial peasant farmers.

At present, however, though unoccupied land is available to an almost unlimited extent, the physical and economic conditions which govern the agricultural situation are such that it is hardly possible for ordinary Indian immigrants to take up land and cultivate it with success immediately on arrival in the Colony.

I believe that it would be quite possible to make available large areas of land for the purpose of settlement by Indian agriculturists, and to call into existence the organisation necessary in order to secure this result and to give the settlers the assistance which they would need to tide them over their difficulties. The inauguration of such a scheme would be very beneficial both to India and to British Guiana.

Though I recognise that any scheme which contemplates that immigrants will have to work as labourers on arrival is less attractive than a scheme to settle them directly on the land, I would recommend that a regulated immigration of free labourers in families be permitted from India to British Guiana on terms of the nature outlined in the scheme presented to us by His Excellency the Governor of British Guiana, for the purpose of engaging in paid labour in the first instance and of receiving reward grants of land after three years' service. The matter is one for negotiation.

The number of labourers emigrating from India to British Guiana in any period needs to be carefully regulated, with reference to the demand for labour and the level of real wages which exist in British Guiana at the time or are anticipated in the near future. To effect the necessary adjustment and control I would recommend that the Immigration Department of British Guiana be strengthened so that it can undertake the duties of a labour bureau more effectively, collect and publish the requisite statistical information, act as a labour exchange, and undertake arbitration in labour disputes.

I would recommend that an officer of the Government of India be stationed in British Guiana, whose duty it should be to watch over the interests of Indian immigrants and to keep the Government of India informed of the pertinent facts concerning their condition and status.

As regards political status, Indians are on an equality with other races in the colony, and the Colonial Government is prepared to pass an Ordinance binding their successors, so far as that may be possible, not to make any change in the Constitution of the Colony which will operate in such a way as to place the Indian community in a worse position than the rest of the population. I would not, however, recommend that any communal privileges be granted to Indians in the colony, or any regulations passed calculated to preserve them as a people apart from the rest of the inhabitants, since that would be likely to defeat the natural aspirations of the Indian community. Under the existing arrangements there is nothing to prevent the Indian community from controlling the political activities of the colony if they wish to do so.

The reason why I am in favour of the re-opening of Indian immigration to British Guiana under conditions of the nature specified, is that I am convinced that the normal conditions of the colony offer to Indians, of many classes and occupations, opportunities for a far higher standard of living than India is able to offer them, and opportunities to win through to competence and wealth such as they have not got in their own home. In this process a fairly large number of men have been broken in the past; but the terms of the offer made by His Excellency the Governor with regard to reward grants of land for such as wish to settle in the colony and for easier terms of repatriation for such as wish to return to India, will do much to obviate this. As an additional safeguard I would recommend that the colony should maintain a subsidized farm colony for unsuccessful men who have not gone under sufficiently to qualify for the Poor-House.

If Indian immigration is stopped altogether the effect on the labour supply of the colony will be very serious for a time, and it is probable that many sugar estates will have to close down, which will react very unfavourably on all in the colony and on the Indian community more than any other. In course of time the colony would no doubt find other sources of labour, but the connection with India would gradually cease and the existing Indian community would in time become merged in the general population. If Indian immigration is again permitted, and adequate development can be secured of such a nature as to attract the right class of settlers, Indians will in a short time predominate in the colony, and a prosperous Indian Colony will be created; offering varied careers to Indians and profitable trade to India. Indeed it is not possible to foresee how far such development might not be pushed; for it is not only in British Guiana, but in the surrounding countries, to a far greater extent, that vast areas lie waste and clamour for a population to take possession of the rich lands and to subdue them to agriculture by methods which none can display with greater effect than the skilful and industrious Indian cultivator.

G. KEATINGE.

#### INDIAN DELEGATES' REPORT TO INDIAN NATIONAL CONGRESS AMRITSAR, 1919.

*(continuing the Nanan-Luckhoo Scheme in outline.)*

1. British Guiana being a country as large as Great Britain with only three residents per square mile, has set aside a sum of approximately £600,000 to offer inducements to tropical settlers of the agricultural class, basing all settlements on the family. The recent change in Imperial policy as regards preference and the urgent demands for foodstuffs all over the world enable it to incur expenditure and to see a prosperous future for agriculture and pasturage.

2. The Colony has entered into an arrangement which, if necessary, can be carried out as from 15th March, 1920, with the Nourse Section of the P. and O. line (Offices: Calcutta and London), to establish a regular passenger and cargo line of steamers directly between Indian ports and British Guiana, sailing at the outset once in two months and later monthly. Accommodation will include first and third class and later second class.

3. Suitable agricultural families (and if necessary to complete any list a limited number of male and female adults equal in amount), on applying to Official Information Bureaux to be maintained by the Guianese Government under responsible salaried officers in population districts, will after Medical Examination be given free passage. Not more than five thousand adults per year for three years are contemplated. No recruits will be employed. No contracts will be allowed. Settlers will receive temporary hospitality, most probably at the hostel now maintained near Calcutta by the Calcutta Municipality for workers going to Burma or in similar open hostels at Budge Budge or near Bombay or Madras.

4. On arriving in British Guiana they can, if desirous of working land of their own, forthwith obtain land (either agricultural or pastoral) on easy terms in small or large holdings. These terms are those of the Crown Regulations of the Colony. For ten agricultural acres (with a right to a second ten), these amount to about one hundred rupees spared over five years, on condition of beneficial occupation. Grants, Leases and Licences of large areas also to be had. (*"Vide Compendium of General Information published by the Lands and Mines Department."*) Association in selecting land will be given by Government Officers and financial assistance will be rendered through the Agricultural Banks and from the Colonisation Fund for the starting of homes and cultivation.

5. If the settler elects to accept employment to begin with, whether to gain local experience or because he prefers it, the Guianese Government guarantees him employment at the local rates of pay which for piece work e.g., on sugar estates) on a seven hours' day amount to about three rupees for males at the present time and for females at lighter work about half of that. He is also provided with housing accommodation and with a garden plot and grazing privileges. Families receive a separate, new and improved design of cottages.

6. The deputation's memorandum on the cost of living shows that it is under 40 per cent. of the ordinary wages for piece work and enables a male wage-earner to save at least a rupee a day. This can be supplemented by independent work, by cattle grazing and by the work of wife and family. A man can comfortably support a wife and family (non-workers) on his pay.

7. Wages are to be controlled by official Arbitration Boards to prevent variation unfair to the wage-earners. These Boards, therefore, in practice assure a maximum rate.

8. Reward grants of five acres of coast or river land, specially protected if necessary by embankments from flood (prepared for irrigation and drainage and for cultivation), will be given to families who have completed three years of residence during which they have been engaged

either for themselves or for employers in any form of agricultural work in the Colony. The cost to the Colony of this part of the Colonisation Scheme is estimated to be about one and a half million dollars or nearly five million rupees. This land will become the freehold property of the owner if beneficially occupied, on the same terms and conditions as the other Crown Lands. The cost of preparing the land, which may run to fifty rupees per acre will be a free gift to the claimant by the Colony. Further assistance will be given as regards housing accommodation and farming equipment. The necessary lands have been ear-marked by the Government or will be acquired under the Lands Acquisition Ordinance.

9. The Indian Government has been asked to appoint its own official (at the cost of British Guiana) to watch the interest of the settlers.

The deputation has also welcomed the suggestion of Mahatma Gandhi that after a certain period, say six months or a year, an independent report should be made by a nominee of the popular leaders and the deputation offers to pay all his expenses.

The deputation now suggests that a Committee consisting of three persons, viz., an officer appointed by the Indian Government, a nominee of the unofficial section of the Indian Legislative Council, and Mr. C. F. Andrews should report on the working of the scheme. Such a committee could set out in December, viz., about six months from the inauguration of the scheme. Whatever Committee is appointed should not consist of less than three.

10. Any individual or family will be sent free of charge at any time if the India Government's supervising officer so requests. This applies to women or children whose husbands or parents die in the Colony or *en route*. Should such official's request not be made the individual of family can claim repatriation at half estimated cost to Guiana (such cost to be estimated at beginning of scheme) after three years' residence, one-quarter cost after five years and free of charge after seven years. Repatriation will not affect any land or other rights fully acquired. Cheap return tickets will be provided for individuals or families desirous of visiting India for family reasons, business, or pleasure. The object of the scheme is to promote a regular flow and reflow of colonists as well as a regular commercial intercourse between the two countries.

11. As first-class accommodation is being provided (eventually also second class) assisted passages or passages at very low rates (about one-third of the present cost of the unassisted journey) will be provided. A limited number of professional men (especially medical men and engineers) and a much larger number of clerks and schoolmasters are required. Applications will be considered on their merits and free passages will be given in some cases, assisted passages in others. One priest or minister of religion for each religious group will be taken free on each voyage with right of repatriation free. Traders and small capitalists will also be given cheap passages.

12. Equality of rights of every kind exist in the Colony. There is an elected majority of 14 to 8 in the Legislature. The Franchise is very low. Settlers can obtain the Parliamentary vote after six months' residence and

holding of the qualifications of the Political Constitution Ordinances of 1891 and 1909 which are easily within the reach of any settler whether working for himself or for an employer. Possession of three acres of cultivated land or the income of the average worker secures a vote.

English law has recently been introduced but Indian marriage law and custom are specially protected.

13. Guarantees of the continuance of existing privileges (apart from the best assurance of all, viz., the existence of liberal institutions dating over a century in a British South American Colony), can be furnished by the Colony and the Colonial Office stating that their definite policy is the continuance of the political and commercial equality of all races.

If necessary a Declaratory Ordinance could be passed in Guiana recording the actual position, but of course one legislature cannot bind another. An official declaration of policy by the Secretary of State is the effective course. The Colonial Office can refuse to approve of legislation attempting to violate the accepted principle even if the Government of the Colony in view of such a policy would allow such a Bill to pass or even to be introduced. The consent of the Governor is necessary for the introduction or passing of legislation. Alteration of our settled working institutions without the consent of the people of the Colony (already nearly half East Indians) and of the Colonial Office is unthinkable to anybody acquainted with the West Indian possessions.

14. The climate is a good one, but unsuitable for manual labour on the coast lands by Northern Europeans. This is not the case for Southern Europeans. Health conditions are better in every respect than in India, Ceylon. The Straits Settlements, Mauritius, and most other tropical colonies. Much improvement, however, can be effected, and this is being done now by means of the united sanitary campaign by towns, villages, and estates which is part of our Scheme. Our worst death rate has never come to within three-fourths of the Indian rate. Our ordinary rate is about one-half of the Indian rate.

In the interests of the Imperial Colonisation of British Guiana we desire to direct the attention of the General Public in India to a few important facts relative to the status and prospect of Indians in that Colony.

Indians were first introduced into British Guiana in the year 1838 under a system of indenture which came to an end in 1917. For the cessation of this vicious system which existed for 79 years, we feel proud to place on record the excellent patriotic work in this connection of the late revered Mr. Gokhale, Mr. Gandhi and others. We must, however, mention that even under the old system, the treatment bestowed to Indians was better in British Guiana than anywhere else.

We are in a position definitely to state that the Indians now resident in British Guiana comprise about 45 per cent. of the entire population of the Colony, and they are better, safer, happier, and more prosperous there than those residing in other parts of the world, and even we venture to say in India itself. It may be well to mention that in the social

and religious aspects Indians enjoy perfect freedom. Their general ideals in these respects are somewhat more westernised than in India. All children in the Colony are entitled to receive free and compulsory education.

No barrier of any kind is erected against Indians in British Guiana as is the case in Natal, South Africa, etc. Here they enjoy equal rights and privileges in the truest sense of the words—on the principle of “Man and Brother.” It proceeds from the Colony as a whole represented by its legislature and its various public bodies, municipal and otherwise. The facilities granted for developing the resources of the Colony will be available for Indian capitalists on precisely the same conditions as for others. The constitution of the Colony is of ancient date, based upon treaties first of surrender and ultimately of purchase from the Dutch by the British Empire and provides for a popular majority.

Indians and their local-born descendants are to be found in all the professional, industrial, agricultural and commercial ranks and they participate in the municipal and political life of the Colony. We have at the present time a Indian mayor in our second city and an elected Indian representative in the Legislature of the Colony.

There is absolutely no distinction between Indians and the other races of people in British Guiana. In other words the Indians like the rest of the community are treated on a footing of complete equality. There is no race feeling.

We, the Indian representatives of the Imperial Colonisation Deputation of British Guiana, now formally state that it is our desire, aim, and our object, if possible, to induce more Indians from the Motherland to join our ranks, increase our numbers and so help us to make British Guiana an Indian Colony. This is really the Empire's clarion call to India.

The potentialities of British Guiana are immense and the local Government is now prepared to offer such unconditional terms for settlement in the country as would, if properly known to the Indian public in India, make them co-operate with us by coming over to British Guiana, and sharing with us some of the great benefits which we ourselves enjoy. British Guiana is the land of freedom, equality, liberty and prosperity for one and all.

The wonderful resources of the Colony we may incidentally mention, is properly developed and for this capital and labour are required, would in a very short time enable British Guiana alone to defray the Empire's present indebtedness to the United States of America, which was incurred in order to win the World War for freedom and liberty.

The welfare of the Empire really means the Imperial welfare of all its component and inter-dependent parts. Prominent capitalists in England are now interesting themselves in the development of the rich resources of British Guiana. The most vital question with us at the moment is that of Indian settlers. Indian settlers we know by experience are best suited to agricultural conditions existing in the Colony, the settlers' health and general welfare are scrupulously safeguarded and protected by the Government. Purchase, grants, and leases of land on noninal terms are

easily available in close access to factories and markets. The principal crops are sugar-cane, rice and coconuts, which Indians are accustomed to raise. Cattle rearing possibilities are large. The soil is the rich alluvium of the mighty Amazon River.

The Government of British Guiana intend to bridge the seas with a regular line of steamers to India, and so to enable intending Colonists direct opportunities to travel to and fro, to mutually benefit themselves and their brethren. Arrangements have already been made for a two-monthly service but we aim at a monthly service.

Every encouragement is being offered to Indian agricultural families and Indian capitalists, both large and small, for settlement in the land under an absolutely free and voluntary system of Colonisation, which places the people in a good position from the start and enables them to improve their general condition.

If our Colonisation proposition be disinterestedly approached by the Indian labour reformers in India; we have no doubt that they will approve of our Scheme, and that in the very near future the Colony will be in a position, by the introduction and utilisation of Indian agriculturists and Indian capitalists, to place British Guiana in the front ranks of British Colonial possessions. The vast political and national advantage to India of having an Indian Colony on the South American Continent need not be emphasised.

We would then have hundreds of prosperous villages and thousands of square miles of flourishing crops springing up from the fertile soil of the Colony, and by the exploitation of the Gold, Diamond, Aluminium (bauxite ore) and other mineral and forest wealth of British Guiana, the three century old dream of Sir Walter Raleigh regarding our Magnificent Province, the fabled land of El Dorado, would be realised.

HEWLEY WARTON, Chairman.

PARBHU SAWH, Member.

JOSEPH A. LUCKHOO, Secretary.

#### RESOLUTION OF THE BRITISH GUIANA EAST INDIAN ASSOCIATION, NOVEMBER, 22nd 1923.

Whereas at a general meeting of the B. G. E. I. Association the Colonisation Scheme proposed by the Government for the introduction of East Indian settlers to this Colony was discussed.

And whereas after due consideration in its details, this Association in view of the conditions and benefits offered by the Government does not regard the Scheme as a Labour Scheme or a project for cheap labour.

Be it resolved that this Association after careful and serious consideration of the various conditions therein set forth, and the recommendations made by the Committee, respectfully support the same, and request His Excellency the Governor to forward a copy of this resolution to the Indian Government.



And further, this Association approves of the Delegates proceeding to India with the Resolution as a mandate from the Association.

Mr. Viapree seconding the Resolution said that he was one who had opposed the Scheme in the absence of the learned doctor and also in the absence of his learned friend Mr. Luckhoo because at that time the conditions were different to what they are at present, and they had an Administrator who did very little for the East Indians in the Colony. Appeals upon appeals were made to him but a deaf ear was always given to them. But conditions were going to change and they had an Administrator who was studying the conditions of everything. His Excellency was trying to explore all parts of the Colony and was seeing everything for himself as to what was really wanted in every district. It was only shortly before then that His Excellency had promised to raise two million dollars for improvements within the Colony which will benefit the East Indians. As an East Indian himself he knew something of East Indians and the present Scheme was a good one and hoped that it would be carried through.

The motion was carried unanimously.

## **CHAPTER VII.**

### **INDIANS IN CANADA.**

#### **HISTORY OF THE MOVEMENT.**

The migration of a people from one place to another is always interesting. How could people from India cross over to Canada to settle there? It was not done by any organisation in a systematic way. It was by a people far removed from the sea. No doubt there were few men from the Punjab working in China as policemen and engaged in petty trade. During the Russo-Japanese War, Indians took a lot of interest in Japan and the Far East; but it was not permanent. Who was the first to lead the way to the New World and as if it were to blaze the trail to be followed by others. An enterprising Sikh who was of an adventurous nature and who had been to Australia was one of the first Indian settlers to cross the Pacific. He was in Hongkong early in the Twentieth Century and heard about Canada, the land of opportunity which fired his imagination to go and see for himself. He and a few of his companions lured by this spirit went to Canada landing at Vancouver British Columbia. The Canadian Pacific Railway has regular steamship service between Hongkong and the Pacific ports of Canada. This man could express himself in English fairly well.

The Chinese were the first of the Oriental peoples in modern times to go to British Columbia. They helped in building the Canadian Pacific Railway, the first trans-continental railway in Canada linking up the Atlantic and the Pacific sea boards of the Dominion. That was in the latter half of the Nineteenth Century. The Japanese followed soon after but Indians were the last to emigrate to Canada. Of course in eastern parts of Canada there are settlements of Syrians, Armenians and Persians—all peoples of Asiatic origin. Swami Ram Tirath or as he was known, Swami Ram, who was a lecturer in Mathematics in a Lahore College had left for the Pacific coast a little earlier. His visit and personality created some interest in India and in Indian affairs among the peoples and in places where he addressed meetings. Some students followed to study at various educational centres in that part of America. Their letters to the Indian newspapers also awakened interest amongst the Indians. In the Fiji islands, which are not very far from British Columbia, there is a permanent Indian colony. But the conditions in Fiji and Canada are totally different. The Indian settlers in Fiji were taken there as indentured labourers, whilst those who went to Canada went there of their own choice and as free men.

#### **Early Experiences**

At that time also advertisements about Canada and its economic advantages appeared in the Indian papers. It is said of the first pioneers—how it was, on the first day of their landing, not knowing about the

new conditions in a new land, they had to tramp for some days to get work. The Canadians had no experience of India and the Indians and being a practical people gave these first Indians a chance to prove what they were capable of doing. Their first employer recommended them to other saw-mills and the Indians had no difficulty in getting work.

The Indian emigration was mostly from the Punjab and that only from 4 or 5 adjacent districts viz., Amritsar, Lahore, Jullundur, Ludhiana and Ferozepore. Nearly 80 per cent. of the immigrants are Sikhs. The general method of procedure for an emigrant in this case was that when he had heard from a relative or a friend in his village about the high wages paid in Canada and how one could improve one's standing, he would mortgage his little piece of land and pay his passage to the far distant country. It must be remembered in this connection that density of population in some parts of this territory is over 500 to the square mile. There are not many factories to provide work. Farming directly or indirectly is the only way by which people can obtain a living. No wonder that as soon as they heard about this land where their work would bring rich rewards the men took the greatest risk.

It did not take the Indians long to adjust themselves to their environments. The climate of British Columbia, especially on the coast, is like that of the Punjab in winter. No sooner had the Canadians found out that the Indians were hardworking and efficient, our countrymen were given work by the railways for their construction work, for repairing tram-lines, in canneries, in the building trades, dairying, fruit picking and other kinds, of farming. Indians also on account of their physical endurance got work in clearing and scrubbing land and logging etc. British Columbia is noted for its timber and the land was so full of stumps that it is quite an expense to clear up land. The Indians being British subjects were accustomed to British laws in India and on the whole they were a law-abiding community, this being an asset to their newly adopted land. In the meantime, a very small number of Indians had come to British Columbia from Fiji. Only 2 or 3 Indians who had been to Australia emigrated to Canada.

It was in the latter half of 1903 that the first Indians emigrated to Canada. Immigration of Indians into Canada was at its height in 1906 7-8. The Indian immigration as shown in a Dominion report is as follows:

1904—05	..	..	45 immigrants.
1905—06	..	..	387     "
1906—07	..	..	2,124   "
1907—08	..	..	2,623   "

### Anti-Asiatic Riots

In the latter part of 1907, there were anti-Asiatic riots in Vancouver, (British Columbia.) A large number of Japanese came to Canada from Honolulu. There is a big Japanese colony in the Hawaii Islands numbering over 1,00,000 souls. The anti-Asiatic feeling which is always dormant

on the Pacific coast was fanned by the exclusionists who held meetings and delivered speeches in various places in British Columbia in 1907. There is a great inter-communication between British Columbia and the adjoining American states of Washington and California. The mob in its fury destroyed much property of the Japanese but luckily the Indians were left alone. The Indians passed a very anxious time during these riots. The Japanese Government sent their Ambassador to Vancouver to investigate and protect their nationals. They have a Japanese Consul-General at Ottawa and a Council at Vancouver. The Chinese had a Consulate at Ottawa.

When the anti-Asiatic feeling was rampant, the Dominion Government sent a Cabinet Minister to negotiate an agreement, with the Japanese Government about Japanese emigration to Canada. The Deputy Minister of Labour was sent to London to arrange about restriction of Indian emigration. He did not come to India and Indians were not heard or approached by him although the interests of India and Indian's self-respect were at stake. How these negotiations were carried on and how this policy of restriction, virtually amounting to exclusion, was evolved by Mr. W. L. Mackenzie King is published. It is interesting to know that the gentleman who responsible for this policy is now the Prime Minister of Canada. At about this time, the poll-tax on the Chinese was doubled viz., 250 dollars to 500 dollars. But the Chinese are also a practical people and they have made emigration business a fine art. How Chinese emigration is financed and how a Chinese peasant from the interior of China is taken to Canada is another story.

Sir Wilfrid Laurier, the Prime Minister and the leader of the Liberal Party of Canada, spoke at Vancouver, (B.C.) about Indian immigration. It was he who sent Mr. Mackenzie King, then rising politician, to London. Mr. King is the grandson of William Lyon Mackenzie, the Hero of Upper Canada, who rebelled early in the 19th century and who was one of the early leaders in the Canadian struggle for self-government. Mr. King worked for a time as a reporter on the Toronto Globe. He also took post-graduate course in an American University where he made a special study of the labour question.

The last batch of Indians to land in Canada during this period was a small group who came from Fiji. They were at first refused admission to land. The Natal act which was hurriedly rushed through the Provincial Legislature was put into action but the Dominion Government vetoed it. The case was taken to the courts and these men were allowed to land.

As a result of Mr. W. L. Mackenzie King's report, the following Order-in-Council was passed. Privy Council Order Number 920——At the Government House, Ottawa——Monday the 9th day of May 1907. Present His Excellency in Council—His Excellency is pleased under the authority of sub-section 1 of section 38 of the Immigration Act of 9 and 10, Edward VII to make and doth hereby make the following resolution:—

From and after the date hereof the landing in Canada shall be and the same is hereby prohibited of any immigrants who have come to Canada otherwise than by continuous journey from the country of which they are natives or citizens and upon through tickets purchased or prepaid in Canada.

The upshot of all this was that no Indians could land in Canada. The steamship against were also notified not to sell transportation to Indians wanting to emigrate to Canada. But the problem of Indians already domiciled in the Dominion was there. Some Indians already had gone to the neighbouring American States of Washington, Oregon and California. But this too was on account of some inexplicable reason cut off as Indians had the greatest difficulty in crossing the border from Canada to the United States of America and *vice versa*.

### BRITISH HONDURAS SCHEME

In 1908 it was proposed to take the Indian settlers in Canada to British Honduras. Who originated the scheme is not known but a Mr. Harkin, an official of the Ottawa Government, came to Vancouver, B.C., and approached the Indians offering them a land of golden opportunities in place of Canada. The Indians heard the story of Mr. Harkin and being simple folks sent 2 of their representatives to accompany Mr. Harkin and another official to Belize, British Honduras. After investigating the conditions of British Honduras these delegates returned and submitted their report to the full assembly of Indians. A Presbyterian missionary who had been in Trinidad and some other Anglo-Indians in British Columbia were present at the meeting house. The Indians unanimously rejected the proposal of transportation to British Honduras. The forms of agreement were already printed and everything was well planned and organised. The Sikhs refused to be indentured labourers in a colony where there were very low wages and decided to remain as free men in a democratic country like Canada.

Brigadier-General Swayne who had been in service in India and Somaliland and was then the Governor and Commander-in-Chief of British Honduras came to Canada. He saw the Federal Minister and other officials at Ottawa. He went to Vancouver and in the course of an interview to the Vancouver World of Dec. 11th and 14th, 1908 said, "I was on leave of absence in England conferring with the Imperial authorities with reference to the labour problem. While in England, the question of the condition of the Sikhs who had emigrated to British Columbia came up. Owing to my 16 years' experience in India I knew the Sikhs very well. I understood them and sympathised with them. Many of them served under me for years in India. I was therefore deputed by the British Government to come to Canada and to confer with the Canadian Government with reference to the Asiatic question as it concerns the Dominion at the present time.

"I saw the Minister at Ottawa and Montreal and had a very satisfactory discussion on this question. All matters in connection with the transportation of the Sikhs to British Honduras have been settled and it is now only a question of time whether they will accept the terms which are offered to them."

Further on he said, "the Imperial Government would allow no compulsion in this matter. The East Indians must act voluntarily." Speaking about the framed continuous journey clause, General Swayne was of opinion that the door was shut to any more of them (Indians)."

#### Adjustment to Environment.

Socially there was little contact between the Indians and Canadians. Many Indians did not know much English; but early in the course of their struggles, they put up a handsome meeting house in Vancouver, costing nearly Rs. 25,000. Here meetings were held every Sunday and on special occasions as necessity arose. Many Canadian ladies and gentlemen attended the meetings. Some Canadians also spoke. It shows the catholicity and liberality of Indians that some missionaries have also given addresses in both the Vancouver and Victoria, B.C. meeting houses. In addition there were rented buildings or rooms at a few other places where Indians held meetings. The Indians also organised a colonisation company for settling on land.

#### Social Conditions.

There being no home life, quite a few men had taken to drink and other low habits. Some Indians, but only a few, had married women of low status there, but as a whole, the morale of the Indians was fairly good. They spent their leisure in talking. Almost all being manual labourers of one kind or another, that was the only relaxation open to them. Many also educated themselves as ignorance was at a discount in a democratic country. Almost all could speak 'pidgin' English. They all wore Canadian clothes except the turban to which they clung as a tender reminder of their nationality. Quite a few bought houses of their own. A majority of them bought land and other property. A large amount of their savings was invested in this way. About 6 or 7 Indians would club together and employ another Indian to keep and manage their house. Others would form a mess each one cooking by turns after the day's work was over. They bought their necessities from Canadian stores. There were only 1 or 2 small shops run by Indians.

#### Indian Settlements in Canada.

The Indians are settled in various parts of Vancouver Island e.g., Nanaimo, Wellington, Comox, Esquimalt. At Nanaimo and round about, some are working in the collieries. Others helped in the building of railways and extensions. In Revelstoke and Nelson B.C., and on the Arrow Lakes, our countrymen are working in railway sheds clearing snow in the coldest weather in the Canadian Rockies. In this part of the country they also work in saw mills and fruit farms. In Calgary and round Edmonton Alberta, they work in saw mills and farms and in Southern part of this province, some are working in collieries. In Saskatchewan there are very few Indians and in Winnipeg in the Province of Manitoba there are few working in the locomotive shops. Coming east we find in Ontario, an effort was made to have an Indian Colony and as many as 20 were working near Toronto but the World War came and some joined the Army and went

to France where they offered the supreme sacrifice. In New Brunswick and Nova Scotia, there are only a handful. There have been Indian students at the Universities at Montreal, Toronto and British Columbia. Some Indian students have also gone in for agriculture at the famous Agricultural College at Guelph, Ontario.

### Opinions of Prominent Canadians

Regarding the adaptability of the Indian Mr. W. W. Baer wrote:—

"I could print a hundred letters telling me of the faithfulness of the Hindu in his service to his employer, the reliance that may be safely placed upon him at his work and his unshrinking application of his strength to his varied tasks. Altogether, my opinion is that of the several racial types who have crossed the Pacific Ocean to participate in our great toil of reducing this Western Province to its final productive power, the Hindu is the most desirable."

"The Hindus realised the elements which had constituted their mistakes and the unsuccessful ones among them were removed in a space of time that made many of us wonder how it was effected. The immigration was immediately checked, the ill-conditioned were sent home, and since then, only such as were fully equipped to make their way in the conditions prevailing here have been allowed to come. None of our immigration problems here in the West has righted itself so completely, so quickly and so wholly from within itself."

They are intelligent, law-abiding citizens, of whom another gentleman not long ago wrote: "I am sure it would tax the power of a well-developed, unscrupulous white lawyer to prove that the few Hindus already in our midst are any worse than an equal number of men of any other colour." He very justly asks, "Are Russians, Italians, Chinese, and the undeveloped from anywhere, to be welcomed in preference to brethren from other parts of our own world Empire?"

The following is from a letter written by Mr. R. W. Clark, a prominent member of the "Society of Friends" at Victoria, B.C.

"We have been hearing and reading a good deal of late of the discussion that took place this summer at the Imperial Conference (1911), held in London, about the various questions regarding the British Empire. In that great assembly, the status of our fellow subjects from far away Hindustan was discussed and an attempt was made by the Secretary of State for India, Lord Crewe, to have their rights safeguarded in the various self-governing Dominions of the British Empire. . . . Surely, if ever there was a case of injustice it is this, for we admit the Chinamen, Japanese, Doukhobors, Galicians, or any other people to have their families in this country if they can afford it. Do we, as residents of this wonderful Dominion, realize the great harm we are doing to the British Empire in allowing these people to be treated in the way they are now? The people of South Africa, Australia and New Zealand have in some cases treated

them even worse and it is up to Canadians to show to the Empire as a whole that they will see that a square deal is given to our fellow citizens, the Hindus."

When Sir Andrew Fraser, who had been Lieutenant-Governor of Bengal and who was in the Indian Civil Service for over thirty years, was lecturing in British Columbia, he said he believed the Sikhs would make excellent citizens and that the treatment meted out to them was scandalous.

Another friend stated:—"We have no eyes to see the great things of the world and our necessary relation to them. We have not begun to think imperially. Here we are, receiving into full fellowship all sorts of foreigners who have not a vestige of loyalty to the Empire, who would be no strength to it nationally in any question that might arise, while we are excluding, under grotesque regulations, fellow-subjects who would give their life-blood for their Emperor without a thought,—men at least as well fit for citizenship as those for whose sake we are excluding them—for it is from these lower strata, chiefly foreign—that the objection to the people of the East potentially comes. The Sikhs are a noble race,—they are a thinking people, with ideals that look down on our worship of dollars and cents. Excluded from Canada or treated here with contumely, they go home, and in their popular assemblies and in their temples discuss what the British rule to which they have given their hearts means to them in British countries. They will reason as we would reason in like circumstances, and there are great world forces involved in their conclusions. Meantime what are we doing? Those of them who are among us are not allowed to bring their wives. This is a crime against a primordial right of man and against his most sacred instinct; and this is Christianity as found in a Christian country, as these Sikhs will see it in their study of the question. Then we have that law which forbids them to come to Canada unless they reach Canada in the same ship in which they embark from India. As there are no ships sailing from India to Canada, this can only look to them as an imbecile insult and a cowardly dodging of the truth as it really means that they are not to come at all. It would be far more manly to say this than to resort to a subterfuge which can only bring us scorn throughout the land to which we are assuming to teach civilization.

#### Appeal to the Authorities.

The Indians in Canada were materially well off getting good wages. But they had not their families with them. This state of affairs continued for 2 years when in 1911 the case of Indian settlers in Canada together with the question of Indians overseas was discussed at the Imperial Conference in London. At about this time the Indians appealed to His Royal Highness the Duke of Connaught who was then Governor-General of Canada for admission of their families. Not receiving much encouragement, the Indians applied to the British Columbia Provincial authorities for the redress of their grievances. The Provincial Secretary replied stating that immigration came under the jurisdiction of the Dominion. The Indians appealed to the Canadian Parliament for relief and for a righteous and equitable Immigration Law. Not receiving any hope in that



quarter, our countrymen settled in Canada sent a deputation of 4 delegates to see the proper authorities at Ottawa. The deputation left Vancouver, B.C. on 21st November 1911, reaching Ottawa on the 25th of that month.

The following petition was submitted for consideration to the Minister of the Interior:—

“We, the delegates of the United India League and the Khalsa Diwan Society, Vancouver, B.C., instructed by them, make the following representations to your honourable government for all Hindustanis domiciled in Canada or who may yet be domiciled.

“These representations are made with the certainty that your government is prepared to recognize the solemn promises made by Their Majesties Queen Victoria, King Edward and King George to India, which is an integral part of our Empire, that all their subjects shall be treated alike.

“Our first claim for consideration at the hands of your honourable government is that we are British subjects, of proven loyalty. More than 90 per cent. of the Hindustanis in Canada are Sikhs. With the name Sikh is linked up fidelity and heroic loyalty to the Empire. We instance the Indian Mutiny, Africa, Afghanistan, Burma and Somaliland; in other words, whenever the Empire needed in the past or may in the future need loyal hearts to protect or preserve her honour. The Sikh has always been ready in the past to give willing service to the Empire. A large number of these men now in Canada have seen active service, and many among them have medals for special bravery. Our conclusion from the above claim, for which we respectfully request your acceptance, is that our status in Canada is wholly distinct and differentiated from that of oriental immigrants be they Japanese, Chinese, or others; as a matter of fact, we cannot justly be classed as alien.

“As loyal British subjects, we come to press for redress for onerous restrictions that have gradually reduced our status as British subjects below that of the most unfavoured nationalities of the Orient.

“The restriction that most presses, and needs very immediate redress, is the prohibition by regulations that make it impossible for the wives and children of the Hindustanis residing in Canada joining them. The compulsory separation of families is punitive and in itself penal, and can only lawfully be applied to criminals by any civilized nation. It is contrary to every human instinct and jeopardizes the existence of the family life, which is the very foundation of the British Empire as a whole. The regulation presses (contrary to all preconceived ideas of British justice and fair-play) hardest on the weaker of the two parties concerned, namely, the mother and the child. There are no good political, economic or racial reasons why this regulation should not be abolished. But, on the other hand, there are many cogent and weighty reasons,—moral, economic and imperial,—why it should be. There is not a mother in Canada, looking into the eyes of her child who would not sanction its repeal. It is well to consider, from an imperial standpoint, the reflex action of this regulation on the Sikh communities of India, who are so closely united

united by the bonds of their religion, whether it fosters loyalty or otherwise. Any and all of the unfavoured nations of the Orient may bring their wives; is it too much to expect or ask, that a British subject may also? For the honor and welfare of the Empire we hope not.

"The next immigration regulation which we ask you to consider, with a view to modification or repeal, is the continuous journey restriction. First, because no law or restriction has any force which is impossible to observe. Continuous journey, as now defined, is impossible. No other country asks its own subjects to do that, which, from the very nature of the case, they cannot. The thinking men of India and all who are directly or indirectly affected by this order-in-council fail to understand its application, where loyal subjects of the Crown are concerned; as a method of total restriction that is another matter. But, on the other hand, we would ask you to consider, is there any process of law or regulation that can be indirectly used to strip a loyal British subject of his inherent right to travel or reside in any part of the Empire? If not, then why this restriction? Our common Sovereigns, Their Majesties, have solemnly promised all subjects of the Empire, regardless of race, equality of treatment.

"We reiterate our request that your honourable government may consider the above regulation. First, because it is not direct in its meaning and is practically constructed and has the force of total Hindu restriction, thereby practically legislating against British subjects, while fostering in a measure, other Oriental nationalities to the detriment of your own Empire, which means a house divided against itself.

"The other reasons we would urge are that the Hindustanis domiciled in Canada have economically made good, as citizens and as producers, and that they cope with every condition in which they have been placed, intelligently and successfully. In the larger centres of British Columbia, their holdings in land, houses and stocks, and their savings bank accounts for the time they have been in the country exceed any other class of immigrants, and their faithful compliance with the law is now unquestioned.

"We claim for ourselves, while our language is different and customs are not the same, that we understand your laws, are more ready to give intelligent obedience to them than most European immigrants and all Orientals, and above all, we are already loyal trained subjects of the same King, and we worship the same God; moreover, that the Sikh home life is identical in all virtues as the Christian home.

"We are prepared to co-operate with your government as to undesirables. We will give bonds to the immigration authorities that no Hindustani shall become a public charge. In connection with this we ask that the amount required for Hindus entering Canada should be uniform with other nationalities, and not as at present \$200.

"We request also that you remove restriction on students, merchants and tourists entering Canada and that they may be placed on the same footing as other nationalities at least. In the very near future, the grant-

ing of this last clause will prove most advantageous from a commercial standpoint.

“The above representations which we desire you to carefully consider and afterwards discuss with the delegation with a view to a favourable solution of the same, as the questions involved are not local, as being purely Canadian they are in their very nature Empire questions, and hence must be dealt with from this broad standpoint. All East Indians’ interests are bound up indirectly in the decisions that may follow on the matters presented by the delegation. There will either be one standard, or two, within the empire of British subjects’ interests and privileges. If the latter, then it must be based on race privileges, or race superiority.

“Hence, India is looking to Canada most anxiously as to her own present and future status. As to the Sikhs particularly, both in India and Canada, they base their hopes on British gratitude and absolute reliance in British good faith in dealing with them. Hence, the presence of this delegation in the Capital at no little expense of time and money, to lay these facts before your honourable government through you as Minister of the department to which these matters belong.”

The petition speaks for itself. On 29th Nov. 1911, Dr. Sunder Singh read the petition before the Hon. Mr. Rogers, the Minister of the Interior at Ottawa. The British Columbia Members of the Federal Parliament, Sir J. A. M. Aikins, Mr. W. W. Cory, Deputy Minister of the Interior and Mr. W. D. Scott, Superintendent of Immigration were present at the interview. Questions were asked and answered by the members of the deputation. The members of the deputation also saw the Premier, Sir Robert Borden along with the Minister of the Interior. It is interesting to note that about that time the Conservative Party led by Premier Borden had just then come into power at Ottawa defeating Sir Wilfrid Laurier and the Liberals.

### Interviews at Ottawa

After many interviews, the Minister of the Interior promised the deputation the Government’s favourable consideration to their request of being recognised as citizens of the British Crown. The Indian deputation left for Montreal where also they held meetings returning to Ottawa for final answer from the Minister of the Interior on Dec. 5th, 1911. The Hon. Mr. Rogers saw the immediate necessity of granting the first part of the petition presented to the Dominion Government by the deputation but as regards their status as British citizens he said that he would send a special officer of the Department, Mr. Blair to look into the question of Hindu immigration to Canada. The Indians know to their cost how the report of Mr. Blair led to further confusion on the subject.

### Anti-Indian Agitation.

In the meanwhile, the anti-Asiatic were busy organising and speaking at many places and writing to the public press. Mr. H. H. Stevens, Member of the Federal Parliament, was very active speaking to different orga-

nisations including the Women's Canadian Clubs. He went even as far as Philadelphia in the United States speaking against the Indians and their civilisation. Rev. Mr. Stevenson, addressed audiences at Victoria, B.C. The Hindu question also came up for discussion before the Vancouver Ministerial Association. One Professor at Toronto University, who had been in India, even went so far as to advise repatriation of the Indians. He wrote to the papers advocating his scheme. Rev. J. A. McDonald of the Toronto Globe and the London Times correspondent at Toronto wrote strongly against Indian emigration to Canada. In the course of a letter to the Montreal Star, a British Columbia correspondent said, "It matters not that these people (the Hindus) are British subjects or that they fought in the wars of the Empire and wear war medals. The people of British Columbia intend to maintain this a white man's country. We do not want these people and do not intend to have them, not even if the British Government and King George himself wished it." Mr. James Simpson, a prominent leader of labour in Toronto, is reported to have said that if the religious workers of Toronto are to stand with the Sikhs who want to bring their wives to Canada, organised workmen will fight the churches. At the Ministerial Association meeting in Toronto, early in 1912, Rev. E. Scott, a Presbyterian minister, said that Hindus should not be allowed to bring their families to Canada.

#### **Toronto Committee to Redress Indians' Grievances.**

Dr. Sunder Singh spoke before the Canadian Club, the Empire Club and other organisations in Toronto, enlisting their sympathy for the Indians. It was through his efforts that a Committee consisting of Principal (now Sir) Robt. Falconer, Rev. Dr. Wilkie, Messrs. J. K. McDonald, John A. Paterson, K.C., H. E. Irwin, K.C., John Firstbrook, the late Mr. Thos. West and Dr. Sunder Singh was organised to redress the grievances of Indians settled in Canada.

When the Indian deputation returned to Vancouver and laid their report before the Indians there, they were glad. There were waiting at Hongkong the families of some Indians domiciled in Canada. They could not buy passages from the steamship agents. The Hindus were soon to be disillusioned. However, early in 1912, families of some prominent Indians came to Vancouver on the S. S. Monteagle. The Dominion Immigration Agent admitted the men but the women and children of these very men were ordered to be deported. An appeal was sent to the Minister of the Interior at Ottawa who was in charge of immigration to let the families land. In the meantime, heavy cash bonds were furnished for the appearance of the women and children on 6th February 1912. The new arrivals were then permitted to enter Canada and proceed to the homes of their husbands with the understanding that they would be subject to deportation upon the date mentioned provided the immigration department did not rule otherwise in the meantime.

#### **AN ACT OF GRACE.**

On 30th April, the immigration Agent at Vancouver received orders from Ottawa to deport them per S. S. Monteagle. On that day, the wives

and children were separated from their husbands and fathers and shut up like common criminals. It seemed that the women were to be packed off to Hongkong without their having any legal redress. However, an application for habeas corpus was made and the women were released at 12 o'clock midnight. Mr. A. M. Harper, counsel for the Indians, appeared in the Supreme Court Chambers, on 1st May 1912, claiming that the arrest of the women by the Immigration authorities the previous afternoon was illegal. He alleged that the Order-in-Council for their deportation was invalid as it exceeded the jurisdiction allowed. He also claimed that the husbands having acquired Canadian domicile, the wives acquired domicile *ipso facto*. The detention of the women was only accomplished by strenuous efforts on the part of their counsel. The Order-in-Council ordering their return was only served on the Indian ladies at 4 p.m. on 30th April at which time the registry closes. Nothing daunted, Messrs. McCrossan and Harper, the Indians' lawyers, drew up all the necessary papers and draft orders and submitted them to Mr. Justice Murphy, at his Vancouver residence late on the night of the 30th April for special service. After securing the necessary order for special service from His Lordship the papers were served on the immigration agent at his residence compelling him to appear in Chambers the next morning in answer to the application for habeas corpus. Mr. W. B. A. Ritchie, K.C., appeared for the Crown. The case came on 10th May and again adjourned but after waiting and anxiety the authorities dropped the case and let the women land as an act of grace. And how many acts of grace would be required before the Indians in Canada have their families admitted! As there was no uniformity in the law, any Indian who was willing to spend a considerable sum of money and send for his family and was lucky enough to obtain transportation in Hongkong could on taking the case to a court of law have his family admitted to Canada. When King George was being crowned King Emperor at the great Durbar in Delhi, the loyal Sikhs, who by their great bravery in the past played such an important part were in Canada discriminated against and denied the blessings of home life and the preference given to aliens from Europe and Asia many of whom may never at heart become loyal British subjects. Can British justice and fair play be thus set aside without the interruption of national progress?

#### H. Rahim's Case.

The working of the immigration department is shown by the following case. H. Rahim, an Indian, came to Vancouver from Honolulu in January 1910 as a tourist but after residing in Canada for some time, he entered into business. The authorities took action to have him deported for having not come direct from India, the land of his birth, but the proceedings were restrained by an order of the Supreme Court. He was re-arrested. Deportation proceedings were re-instituted and Rahim's lawyer made application to Justice Morrison for the release of the Indian on the grounds first, that the action of the Dominion immigration department was *res judicata*, and secondly, that there was no valid Order-in-Council upon which alone the authorities would have had legal right to act. The case went to the

British Columbia Court of appeal and finally to the High Court at Ottawa before Rahim was allowed to stay in the Dominion.

### Canadian Comments

The Montreal Gazette, in making a national and Imperial review of the Hindu question, made the following comment which gives the solution of the difficulty; "Empty and idle is the influence of the philosopher, the man of science, the moralist when it is put in conflict with self-interest, and with deep-seated prejudice. This misleading, wide-spread, deep-seated prejudice seems to be still busy travelling up and down the land and getting entertainment in the hearts of far too many good people who do not realize how insidious is its influence. British Columbia still raises the cry for a white British Columbia; it is not a truth or justice-loving British Columbia, but a white one which is quite inconsistent, as she has admitted many thousand Chinese and Japanese in the last twenty-five years and is still admitting them. We are casting no reflection on the Chinese and Japanese; the colour does not make the man." The Canadian Courier says, "Whatever may be the opinion of British Columbia it is clear that the Sikhs have rights as British subjects which it will be hard for Canada to permanently ignore."

In 1911 there came to Canada 11,932 Chinese and 2,986 Japanese, of whom 1,037 were women. These figures are given by the Dominion Medical Officer stationed at William Head, near Victoria, B.C., Only one Hindu was allowed to land during the same period.

Dr. Lawson, who admits that he too was prejudiced, wrote the following to a newspaper in Victoria, B.C.:—

"There is one phase of the Hindu question concerning which the majority of the public seem to hold most erroneous opinions. I refer to his personal habits, re cleanliness, use of alcoholic liquors, etc.

"At ship surgeon on the C.P.R. "Monteagle," and later the "Tartar" at the time of the greatest influx of Hindus, the majority of these people passed under my close observation. It was my duty to make a thorough physical examination of each emigrant at Hongkong, and although at first I was strongly prejudiced against them I lost this prejudice after thousands of them had passed through my hands and I had compared them with the white steerage passengers I had seen on the Atlantic.

"I refer in particular to the Sikhs and I am not exaggerating in the least when I say that they were 100 per cent. cleaner in their habits and freer from disease than the European steerage passengers I had come into contact with. The Sikhs impressed me as a clean, manly, honest race. My more recent experience as surgeon in mining camps among thousands of white men, where immorality is rife, has increased my respect for the Sikhs.

"I have read your paper carefully for some time and have not yet seen one good reason why they should not be permitted to bring their

families in as freely as the European immigrants. Justice, humanity and morality all cry for the removal of the restrictions which prevent the Sikh's enjoyment of home life."

### An Indian Student's Experience.

Over a year ago, the 'Montreal Witness' wrote:—

The United States has earned for itself an unenviable reputation for race and colour prejudice, but we are much more harsh and exclusive than our southern neighbours. Many natives of India study in the Universities of the United States, but they cannot come to our Universities. The story of one Indian student whom we drove from our shores makes sorry reading for anyone who loves the good name of our Dominion. Mr. R. Chand is a student who lived in British Columbia. Wishing to pay a visit to India, last summer, he took the precaution of providing himself with letters from Mr. L. M. Fortier, acting for the Superintendent of Immigration at Ottawa, so that he would have no trouble in gaining re-admission to Canada. When about to return he found that he could not buy a ticket for a Canadian port in Calcutta, and so he came on to Hongkong. Here again he tried to get a ticket, but the agent for the Canadian Pacific Railway steamship refused to sell him one. Not to be daunted, he tried at other steamship agencies, and at length secured one of the Nippon Yusen Kaisha steamer Sanuki Maru. Upon his arrival at Victoria, however, on May 10th, he was refused admission, and was compelled to go to Seattle."

### Invidious Laws.

"It is very extraordinary that of all Orientals, it is our fellow-subjects of India that are chosen for this humiliating treatment. Thousands of Chinese are coming into the country on payment of a head tax. Under certain provisions their families are also admitted. The Japanese can enter with paying a head tax at all, provided each has \$50 with him. Their families can come also. It is worth nothing that sixteen Japanese ladies arrived at Vancouver on board the same steamship which brought the two Sikh ladies a few months ago. No one was disturbed about the admission of the former, but because the latter—doubly our sisters, as Aryans and as British subjects—sought to join their husbands, a portion of our people threw themselves into a fever of excitement for the preservation of Canada as a white man's country and only a special 'act of grace' on the part of the Dominion Government permitted them to enter. On December 15th last, the Hon. Mr. Rogers, Minister of the Interior, promised that the families of the Hindus then in Canada would be admitted. It would be a stroke of true Imperialism if Mr. Borden could announce that this promise would be honourably fulfilled."

Lord Curzon who served as Viceroy of India, on his return to England, made the statement that "England without India would be a second-class power." A missionary who has been many years in India and had carefully observed the trend of affairs, said that "anything that tends to sever the bond that holds India as part of the British Empire should be

taken seriously. The bond holding India to-day is the confidence the Indian has in British fair play and justice.

A Canadian friend writes:—

“Let us not throw away the lesson that Great Britain learned in the school of bitter experience. Why did she lose her American Colonies? Was it not because of her unjust attitude towards her loyal subjects? Why is Britain the greatest colonizing power in the world to-day? Is it not because of her exercise of the principles of righteousness, justice, toleration and mercy? True patriotism should look further afield than merely local sentiment and advantage. Are we not laying aside the great basic principles and in substituting self-interest and personal prejudice are cultivating principles that have ruined nations? We are undoing the wonderful work done in the Punjab, the home of the Sikh, by Sir John and Sir Henry Lawrence, whose just and peaceful administration after terrible struggle turned the valiant foe into a staunch friend and stands out as a striking illustration of the power of applied Christianity. It is on record that “no more difficult work than the reduction of the Punjab to order and content was ever accomplished by Englishmen.”

Another Canadian said:—

“We talk much of the brotherhood of man. But as a rule this high sounding expression means the brotherhood of the white race. This is contrary to the plain teaching of Scriptural truth. It is declared that God has made of one blood all the nations of the earth. If this be true, then let us treat these aliens as brothers.”

#### Unfair Discrimination.

A gentleman in British Columbia wrote to a steamship agency in Calcutta, India who replied:—“We are in receipt of your favour of . . . and in reply beg to state that if the young man whose passage to British Columbia you wish us to arrange is an Indian we regret we cannot undertake same owing to the very strict immigration laws which have been passed recently. There is no direct steamer service to Canada from here (India), and it is therefore impossible for us to issue a through ticket as required by the immigration law. If, however, the young man is European, we shall be pleased to arrange his passage.”

#### No Public Contracts For Indians.

Victoria, B.C. Municipal Council in their debates decided not to give any city work to Hindus. In contracts for Government Railways it is specified that no Asiatics can be employed in any capacity whatsoever. Mr. C. E. Tisdall, member for Vancouver, in the British Columbia Legislature, opposed vigorously the admission of families of domiciled Indians. Premier Richard McBride speaking about the Hindus in British Columbia Legislature said, “It has been shown conclusively that the Hindu cannot assimilate with the people of this country and enjoy that full measure of citizenship which we wish all the people of this country to enjoy for all time to come.”



About this time, Mr. Philip H. Kerr, Editor of the 'Round Table' had been travelling in India. On his way back to England by way of Canada, he spoke to the Victoria, Canadian Club on 8th July 1912, in the course of which he touched upon Asiatic immigration to the Pacific Coast of America. He said that he assumed the people of Canada would see in this danger to themselves and the Canadians would be prepared to fight against it (applause). If the alternative were an invasion by the Asiatic people, they would, he thought, be ready to fight (renewed applause).

The Hindus practice cremation for their dead. The Vancouver authorities after great amount of labour and correspondence carried on by the Indians did set apart a plot near the cemetery as a cremation ground for the Hindus. In 1913, the Victoria Hindus approached the proper authorities for a cremation ground but were refused.

#### Deputation sent to England.

When the Indians, after long waiting, found to their sad cost that the pledge given by the Minister of Interior regarding the admission of their families to Canada was illusory they decided upon sending a deputation to follow the matter further. At a protest meeting of the Indian settlers in Canada, at the Dominion Hall, Vancouver, British Columbia, they declared that the Canadian policy of denying entrance to Indian women and children was inhuman and against all the codes of British justice and asserted that the Canadian public was misinformed about the Indians by a few politicians who were pulling the public by the nose—that the Immigration Board of Enquiry was ridiculous in itself and that the immigration officer therefore constituted a personal board of inquiry. It was resolved to send a delegation to the Indian and British Governments to lay the whole case before them as efforts at Ottawa to have the immigration measure altered had failed. This delegation left Vancouver, in 1913, by way of Winnipeg, Manitoba and St. John, New Brunswick. They sailed from the latter port for Liverpool, England. The delegates, very soon after their arrival in London, approached the Secretary of State for the Colonies, Mr. Lewis Harcourt. He refused to see them.

On 14th May 1913, a meeting was held at Caxton Hall, Westminster, London, to protest against the Privy Council orders. Resolutions were passed and sent to the press for publication. The three delegates then left for India. On their arrival here they placed the situation of the Indians in Canada before the Indian public through the newspapers and magazines. Through the help of some kind friends they placed their case before His Excellency the Viceroy of India. The delegates also approached the Indian National Congress held that year in Karachi. But it was all of no avail.

#### Attempts to Get Rid of Indians.

In the meantime, the Indians in Canada were getting tired and dispirited of all this struggle. They had spent a considerable sum of money in sending these delegations as well as in fighting the cases brought in the Canadian Courts. The authorities in Canada were resolved that the pro-

blem would solve itself and that Canada would get rid of the last Indian by not allowing them to settle at all. Time was in favour of the Canadian policy and how they have won in this twenty years' struggle is known to a very few people. In 1913, a Canadian-Indian Immigration Committee was started at Lahore. The first meeting was held on the 14th September. Meeting at other places in the Punjab were also held in the same year.

At about this period, Mr. H. E. Irwin, K.C., Clerk of the Peace at Toronto, drew attention to the great need of the situation being righted. He declared that public opinion must be focussed at once on such gross injustice. He referred to the case of a Sikh who had insisted upon the right to bring in his wife and child and when the Crown launched a case against him, furnished bail of Rs. 6,000 and prepared to fight the issue. But before the case came to trial the prosecution withdrew its charge and the Sikh was allowed to have his wife and family. It looks from that, said Mr. Irwin, that the administration of British Columbia is operated for the purpose of catching votes. His statement had not the party tinge, because this was an expediency common to both parties. It seemed to him these Sikhs were being kept out although the law did not justify it.

#### **An Adverse Decision**

Mr. Bishan Singh, a well-known and respectable Sikh, went to the office of the agent of the Nippon Yusen Kaisha at Victoria, and laying the money on the counter asked him for a prepaid ticket for his wife. On the agent's refusal to sell him the same, Mr. Bishan Singh brought forward a case asking the court to compel the steamship company to sell him the ticket; for as common carriers they have to carry passengers from port to port. The Seattle agent of the steamship company said that no passengers were carried from Calcutta to Hongkong although there was a considerable passenger traffic between these ports. The Judge refused to grant redress although this company has regular sailings from Calcutta to Hongkong and from there to Victoria.

#### **Hindu Questions in the Senate**

On 2nd June 1913, in the Canadian Senate at its session at Ottawa, Senator Bostock brought up the question of Indians in Canada. He had heard a report that they were being ill-treated. He approved of the arrangement made by the Hon. Mr. Mackenzie King with the British Government which has practically stopped all Hindu arrivals in Canada since 1908. Senator Douglas said he had been in India for many years and had practical dealings with the Sikhs. The action of British Columbia towards the Sikhs was un-Christian, un-British and ungrateful.

Senator Davis said it was strange that a citizen of British India should not be allowed to travel in any part of the British Empire. The province (British Columbia) was not against all classes of Oriental labour. Last year 7,705 Chinese came in paying \$500 head tax each or \$3,450,000 out of which British Columbia got one and three-quarter million dollars. The Province wanted money of the Chinese.

Senator Cloran condemned the treatment of the Indians. Senator Power said he hoped the Government would do something. It seemed to be un-British to say such men should not be allowed to enter Canada or any other part of the Empire for which they had fought. At the Coronation he had seen Sikhs marching in the same procession with Canadian Soldiers.

Hon. Mr. Lougheed replying for the Government blamed the late Government. The late Government had made arrangement by which the Chinese poll-tax was to be shared equally by the Province of British Columbia and the Federal authorities. Finally, he said, the whole matter was under consideration.

#### Indians hold Meetings.

At a meeting of the Indians held at Victoria, the following telegram was sent to the Senate:—"In a public meeting it was resolved to sincerely thank you for taking action on our behalf in bringing to the notice of the Canadian people, the difficulties under which the Sikhs, our fellow citizens of the British Empire, labour under in Canada. We hope that the present Government will deem it politic to fulfil their pledge given us in December 1911 regarding the admission of our families."

A similar meeting of the Indians of Vancouver, and vicinity was held at the O'Brien Hall, on Sunday the 15th June, 1913, and resolutions were passed asking the Dominion Government to fulfil their promise. One speaker said that Canada spent a lot of money in Europe for getting immigrants who were not exactly suited for farming, whilst Indians who were practical farmers were debarred. He agreed with Sir M. M. Bhow-nuggree who said at a recent protest meeting in London, England, that if the Canadian Government would redress the grievances of the Indians it would lead more surely to the strengthening of the Empire than would half a dozen Dreadnoughts.

On 9th August 1913, a telegraphic despatch from Ottawa appeared in Vancouver and other Canadian newspapers that a hundred thousand Indians were to be brought to Canada. It was stated that wealthy Indians in India were interested in the matter. All this imaginary story helped to fan the racial feeling. The Asiatic Exclusion League was also active. Miss Agnes Laut, a well-known writer, wrote florid anti-Indian articles to the Canadian press. Miss Laut is a forceful writer and it is a mystery to the Indian as to who paid for all this propaganda?

#### No Franchise for Indians

In 1913 three Indians applied to a notary public in Victoria, for registration on the voters' list on the strength of their being British subjects and otherwise fulfilling all the conditions for this qualification. Although holding considerable property they were refused to be registered. Before that another Indian had voted in a Provincial election but a charge of perjury was brought against him. The British Columbia statutes debar Indians from voting.

Mr. H. H. Stevens, M.P., speaking before a Vancouver audience on 20th September 1913, said that Indians were British subjects, but not British citizens. In the course of his remarks he said that if a Hindu is allowed to bring over his family he would bring here four girls as his daughters who would really be his wives. Mr. Stevens was a soldier in the Spanish American war in the Philippines and after following many occupations entered politics. Mr. Barnard, a former Vancouver M.P., also held strong anti-Asiatic views.

#### Efforts to Re-open Emigration

Fifty-six Indians arrived at Victoria on s.s. "Panama Maru" of the Osaka Shosen Kaisha, on 17th October 1913. These men had been trying their best to buy steamer passages at Hongkong to go to Canada but all steamship companies refused to sell them tickets. So they had to pay 100 dollars (Rs. 300) apiece for their food. On the arrival of the steamer at the wharf their relatives wanted to see them but the wharf Company ordered them to be turned off the gates although the Japanese, Chinese and Canadians were allowed freely. They also called the police patrol. The lawyers for these passengers who wanted to see their clients on board were not permitted to do so.

Examination by the immigration officials was held in camera on board the Panama Maru and when the steamer was about to sail a special cordon of police was at the wharf to take the immigrants to the immigration detention shed. Only 17 were landed. All of them came by the most direct route. Habeas corpus proceedings were taken for the 39 Indians who were ordered to be deported. Mr. C. F. Davie, the lawyer retained by the Indians, appeared before Justice Gregory on 1st November and applied for an order nisi for the issue of a writ for the production in court of the body of Narain Singh who was one of the detained men.

#### Chief Justice Hunter's Judgment.

In the decision given by Chief Justice of the British Columbia High Court, the immediate effect of which was the release of 23 Indians, certain orders in council viz., those requiring a Hindu immigrant 200 dollars in his possession and coming by a continuous journey are pronounced invalid and *ultra vires* on the ground that they exceed the powers given by Parliament under the Immigration Act. Some time ago, Mr. J. E. Bird the counsel of the detained Indians, applied for and was granted an order nisi for habeas corpus. In accordance with the court's order these Indians were brought to the Court on 24th November 1913 under a special escort of mounted and foot police.

Chief Justice Hunter received counsel in his private chambers. In giving his decision His Lordship said that in the Order-in-Council the Government had clearly exceeded the authority given by the Immigration Act to make regulations in such a way. In the particular instances under discussion, the thirty-nine Indians in detention—the orders of deportation were bad, as there was no specific definition of the reasons for their deportation, it simply being stated that they were to be deported under section

33 of the Immigration Act, which section recited a number of causes for such actions of a markedly varied character. Mr. Bird in his argument contended that Order-in-Council No. 926,\* passed at Ottawa on May 9, 1910, under the authority of section 37 of the Immigration Act, was *ultra vires* because the statute only authorized the Governor-in-Council to require as a condition of landing that the immigrant must have in actual and personal possession in his own right the amount of money specified. He further argued that Order-in-Council was bad in the case of a person, native or subject of an Asiatic country, in regard to which special statutory regulations are in force or with which the Government of Canada has made a special treaty, agreement or convention. He argued under this that there was an Imperial Act of Parliament of 1858 which conceded to natives of India special privileges giving them all the rights of British citizenship and he held that it was operative in Canada.

He also claimed that the Order-in-Council No. 920, passed under section 38 of the Immigration Act, was invalid on the ground that the statute only authorised the Governor-in-Council to prohibit the landing in Canada of any immigrant who came to Canada otherwise than by a continuous journey from the country of which he was the native or naturalized citizen. This was bad, he contended, because it was impossible to purchase in India, or to purchase and prepay in Canada, a through ticket from India to this country. Another point raised by Mr. Bird, was that whereas the statute said the money requirement might vary according to the race, the Order-in-Council said that no immigrant of Asiatic origin should be permitted to land.

Chief Justice Hunter ruled that Order-in-Council 926 was invalid and *ultra vires* because it exceeded the powers conferred in section 37 in that it used the term immigrant of Asiatic origin which was a wider term than one of Asiatic 'race' and also by its insertion of words requiring an immigrant to have in actual and personal possession in his own right a after consulting the Department of Justice allowed the examination of the stated amount of money, while the statute only provided that he should possess in his own right a prescribed minimum amount.

His Lordship thought that the term special statutory regulations being an exception in favour of certain immigrants, was intended to refer to Canadian statutory regulations. He also held that the omission of the word "naturalized" in Order-in-Council 920 and its use in section 38 of the statute invalidated the Order-in-Council inasmuch as 'citizen' is a wider term than 'naturalized citizen.' Section 38 of the Act under which the order was framed reads:—

\* Privy Council Order No. 926 reads :—' No immigrant of Asiatic Origin shall be permitted to enter Canada unless in actual possession in his or her own right of \$ 200 (Rs. 100) unless such a person is a native or subject of an Asiatic country in regard to which special statutory regulations are in force or with which the Government of Canada has made special treaty or arrangement.'

"The Governor-in-Council may by proclamation or order whenever he deems it necessary or expedient, prohibit the landing in Canada or at any specified port of entry in Canada, of any immigrant who has come to Canada otherwise than by continuous journey from the country of which he is a native or naturalized citizen and upon a through ticket purchased in that country or prepaid in Canada."

The Chief Justice held that the words had made or given under the authority and in accordance with the provisions of this Act, enabled the court to say that the Orders-in-Council, not being in conformity with the powers conferred upon the Board of Inquiry, had really no jurisdiction to prohibit the court from interfering, and as the court therefore had the authority to interfere, it would direct the issue of writs of *habeas corpus* in the case of the thirty-five Indians and order their discharge.

Meetings were held protecting against the direct and continuous journey clause. It was said that if the Canadian Government wanted to exclude Indian subjects of King George V, it ought to say so in plain, unambiguous language instead of beating about the bush and passing laws which the Government itself is even afraid of being tested in its own courts. It was said at the time in the papers that a new law was to be formulated and was on its way to London to exclude the Indians. The rumour was true as the Dominion Government passed an Order-in-Council prohibiting all artisans and labourers from entering the ports of British Columbia until March 1914. By virtue of this Indians were barred from entering Canada.

#### Indian Legislature on the Emigration Question.

In reply to Hon. Surendro Nath Banerji's question regarding the admission of Indians' families into Canada in the Imperial Legislative Council Mr. Clark said:—"The Government of India have no recent information as to the number of East Indians in Canada but it is understood to be about 2,500. . . . The effect of the order is as stated but the Government of India have on more than one occasion recently represented to the Secretary of State the importance they attach to a concession being made by the Canadian Government in favour of wives and minor children of Indians resident in Canada and the withdrawal in their case of the restriction imposed by the requirement of a continuous journey on a through ticket. Intimation has since been received that the Secretary of State for the Colonies is communicating with the Dominion Government as to the possibility of facilitating the entry of the wives and children of East Indians, who have acquired Canadian domicile."

His Excellency Lord Hardinge in opening the Imperial Legislative Council at Simla in 1913 said:—"We have not ignored the disabilities of Indians and their families in Canada and we have at last succeeded in obtaining temporary permits for British Indian subjects desiring to visit Canada which will be issued in all proper cases". . . During the same week a meeting was held at Simla at which the Hon. S. N. Banerji presided. He wanted to know if Indians in Canada were to be treated as out-

casts; subjected to galling restrictions, humiliating to our national self-respect. He assured the delegates from Canada who were present at the meeting, of their firm resolve to co-operative wholeheartedly with them in the struggle. He suggested the formation of a commission composed of official and non-official members to visit the Dominions and report upon the position conditions of Indian there.

In the evidence given by Mr. Hasan Imam before the Islington Public Service Commission, he suggested the exclusion from Indian Service of British Subjects belonging to colonies which exclude East Indians.

#### **Order-in-Council Extended.**

Sir Richard McBride, Prime Minister of British Columbia, was at Ottawa early in 1914. The Dominion Government had then passed an Order-in-Council excluding artisans landing in British Columbia but which was really aimed at the Indians. This order was a direct result of Chief Justice Hunter's judgment. It was in force till March 1914. Through the efforts of Sir Richard McBride, the Order-in-Council was extended for another 6 months.

#### **The "Komagata Maru".**

According to a newspaper report, the "Komagata Maru" left Hongkong on 31st March 1914 for Shanghai. She carried 150 Hindus from Hongkong and was to take another 200 at Shanghai. From there she sailed for Nagasaki. When she reached Vancouver on the 24th of May 1914 after being released from the quarantine she had to lie in mid-stream by order of the immigration authorities. She was carefully watched by guards and government launches and nobody was allowed on board. The Government after consulting the Department of Justice allowed the examination of the passengers which took several days. A motion for habeas corpus was made in Vancouver, on 25th June but the appeal was heard in Victoria, Charter money was paid till the 20th September 1924, the date of her delivery at Hongkong. The Board of Inquiry took many days. The effort to deport the Indians by other steamers failed as the Canadian Pacific Railway Company refused the offer of the Immigration authorities to pay the Indians' passages. Capt. Gardinar Johnson acted as agent for the vessel in Vancouver. According to the "Japan Herald" the idea was to carry iron and coal from India and Japan to Canada and in return carry to the Far East a cargo of Canadian timber.

#### **Questions in the Dominion Parliament**

Mr. H. H. Stevens M.P., for Vancouver, in the Canadian House of Commons, asked the Government at Ottawa on 17th April 1914 what steps they were going to take about the "Komagata Maru" and its passengers. Hon. Mr. Roche, minister of the Interior, replied for the Government.

Hon. Frank Oliver, former Minister of the Interior under Sir Wilfrid Laurier, asked Premier Borden in the Dominion House of Commons, about Komagata Maru passengers. Premier Borden in reply stated that some

twenty had been allowed to land, as they were returning to Canada having been previously admitted. A number had been ordered to be deported failing to come up to the required physical standard; as to the remainder, the law was to be enforced. Mr. Oliver then asked in case of appeal would the Government allow it. Mr. Borden replied that the government did not control the courts.

Sir Wilfrid Laurier asked, if the habeas corpus proceedings were commenced would the government resist? The reply was 'undoubtedly.' The Government would be represented and if it were a case where habeas corpus should not be involved, they would resist.

### British Columbia Demands Exclusion of Indian.

The Vancouver Board of Trade demanded the exclusion of all Indian immigrants. It also sent a memorial to Ottawa to that effect. Mr. Taylor, M.P., for New Westminster B.C., spoke and wrote strongly against Indian emigration. All the British Columbia newspapers including *The Province*, *The News-Advertiser*, *The Colonist* and others also wrote adversely against the *Komagata Maru*.

### The Sad Story of the "Komagata Maru" told by Mrs. A. Ross.

Mrs. Anna Ross wrote some articles to the *Gwalior Journal of Toronto*. Speaking about the "Komagata Maru" she says:—

"The story of the "Komagata Maru" and her passengers must be very briefly given. The bar that has for several years excluded Hindus from Canada has been the rule that only those could be admitted to our shores who came by one continuous route. As there was no continuous route the Hindus were kept out. But in 1914, 350 of these Sikhs clubbed together and made a continuous passage by chartering a ship for themselves, and in May 1914, they entered Vancouver harbour, expecting, as they had conformed to the Canadian rule, they would be admitted at least for inspection, and that those who were found eligible would be passed.

"One would think that the decent way for the authorities to act towards these men who had so accommodated themselves to the Canadian rule, would be to receive them politely, and to deal with each case fairly and squarely according to law, passing those eligible, and rejecting non-eligibles. Then, if the will of the Canadian people was still for shutting the door, to do so by straight statute,—“No Hindu need apply.” After that there would at least be no misunderstanding or disappointments.

"But these men who had accommodated themselves to the Canadian rule, who at a cost to themselves of nearly \$57,000 had come by one continuous route, who now politely asked admission as British subjects, and expected it, received instead indignity after indignity. It is almost inconceivable the lengths to which official insolence went in the treatment of these strong, proud, independent men. They were not allowed to communicate with the Sikhs on shore at all. They were not allowed to communicate with their own lawyer. Even when their case for admission was



in court, their lawyer, Mr. Bird, was not allowed a personal interview with any of them, so that he was conducting their case in the dark. After the case was decided under these circumstances against them, Mr. Bird was allowed to visit them, and discovered that very important elements in the case he had not understood at all, and had presented. If this is Canadian justice, it is not British justice.

"When the case had been decided against them, they expressed their willingness to leave, only requesting that they should be supplied with provisions for the return voyage. The immigration authorities refused provisions, but tried to compel the captain of the ship to sail at once. Though they had been unnecessarily delayed by the authorities for six weeks, these officials endeavoured to force them to commence their long voyage without provisions. This roused the man and the soldier in these Sikhs, and they prevented the captain from obeying. One hundred and seventy-five policemen and the stream from a fire-hose only roused them the more. They beat back the policemen with fire-bricks and lumps of coal. Then in the dignity of her might, Canada ordered the cruiser "Rainbow" to proceed alongside the "Komagata Maru" and compel submission. By this time the inhuman attempt to send 350 men across the Pacific starving had been abandoned, and offers of abundant provisions were made. But by this time the fighting blood of the Sikhs was up. They knew they had been barbarously treated by representatives of the Canadian Government, and they were resolved to put no trust in any offer now made to them, but to fight and die if need be.

"That was the position Canada found herself in July 22nd, 1914. The guns of the "Rainbow" were trained on the little "Komagata Maru." The Sikhs on board had used timber to construct barricades, and the blacksmiths among them were working at fever heat making swords and pikes. The Government then in extremity sought the good offices of the Sikhs on shore, and though they had refused to allow them intercourse with the men on the "Komagata Maru" before, they were now glad to have a deputation of shore Sikhs endeavour to convince them that the Government this time was really acting in good faith to accept the offers of provisions, and leave. They were finally successful, and the little ship sailed away.

It is a sad story. They could at least have been treated courteously and given a chance to plead their own case fairly, even if the law had refused them admission in the end. But most Canadians know little about these things."

In the 'Problems of Greater India' the author says—"Chief Justice Macdonald in his judgment on the "Komagata Maru" asserted that Canada had sovereign rights in the matter, and denied the claim of Imperial authorities to interfere. An appeal to the Privy Council will be very injudicious because the Chief Justice with great acuteness changed the whole question into a constitutional issue, i.e., whether the Dominion Government was within its rights when it denied admission to Asiatics. Stated thus, the point is unassailable technically. The question at issue is not whether

Canada has a legal right to exclude anybody but whether British citizenship carries with it the right of free entrance to any part of the Empire. There is another question more fundamental to wit:—Has any race a moral right to consider any part of the world's surface as its own special reserve? These are the two questions that confront any one who studies these problems.'

Mr. H. C. Clogstoun, C.I.E., who had been in service in India and was in British Columbia at that time was appointed to investigate the losses sustained by Indian residents in Canada as a result of the "Komagata Maru."

Mr. H.H. Stevens, M.P., for Vancouver in the Federal House, who had been so active in 1911 again came to the front. He took a prominent part in 1914 speaking against the "Komagata Maru" at public meetings and giving interviews to the press.

#### Return of the "Komagata Maru."

The passengers of the Komagata Maru arrived at Budge Budge near Calcutta on 30th September 1914. On their way, they were destitute at Kobe and were helped by the British Consul. There were riots there which is an old story and need not be narrated here. On the 16th October 1914, an official communique from Simla stated that H. E. the Viceroy had learnt with great regret of the serious affray at Budge Budge and had decided in view of the regrettable loss of life and of the fact that matters were involved which concerned the two local Governments of Bengal and the Punjab to appoint a committee to inquire into the circumstances connected with the voyage of the "Komagata Maru" to British Columbia, its return to India, the riots at Budge Budge, and the subsequent arrest of those concerned. The Committee consisted of the Hon. Sir W. Vincent, (President), the Hon. Maharaja Dhiraj of Burdwan, the Hon. Mr. Fagan (Punjab), Sardar Daljit Singh and Mr. H. Walmsley (Bengal).

#### Mr. Lionel Curtis Visits Canada.

Early during the European War, Mr. Lionel Curtis, author of the 'British Commonwealth' and a leader of the Round Table Group passed through Canada on his way to India. A Canadian friend interviewed Mr. Curtis about the Indians in Canada. Mr. Curtis afterwards studied the situation in India of which the result was dyarchy.

#### Sir George Paish Speaks.

Sir George Paish wrote in 'The London Statist':—"Remembering that the population of India is 315 millions of human beings, that it is sunk in abject poverty, and that nobody who takes the trouble to enquire can doubt that it would be an immense help to India if there should be a large and successful emigration. We had hoped for broader views, for more prescience and for a truer Imperial spirit on the part of the people of Canada. They themselves are all settlers from foreign lands or the descendants of such settlers. We had fondly hoped that knowing all this they would recognise the consequent Imperial obligation upon them. We have been disappointed."

### **Dr. Tagore Refuses to Land in Canada**

In 1916, Dr. Rabindranath Tagore when seen by a Canadian who asked him if he would visit Canada replied most emphatically 'No!' He would never visit Canada on account of the manner in which his countrymen had been treated by the Canadians. He said he had been invited to both Toronto and Montreal, but refused to go. He was asked to go ashore at Victoria, B. C., but refused. He added he would never set foot on Canadian soil or that of Australia while his countrymen were treated as they were.

### **Situation During the War**

In 1916, the President of the Canada India League went to British Columbia to investigate the question on the spot. He saw many representative Indians in Vancouver and Victoria, and in his report referred to the pitiable conditions of Indian settlers there. The Presbyterian Church also started work amongst the Indians during the war. But although the missionaries spoke at various meetings, the prejudice and opposition against Indians was so great that they were unable to make any headway owing to the Canadians' lack of interest in this work.

### **Mr. Rustomjee in Canada.**

During the war, Mr. Rustom Rustomjee travelled through the whole Dominion from Halifax, N.S. to Victoria, speaking on India before influential bodies of Canadians. He referred to Indian immigration. In British Columbia he went to look into the subject of Indian settlers there. During the last 3 years of the war and afterwards, he spoke to Canadian audiences in the eastern part of the Dominions nearly every year.

### **Dr. Roche Interviewed.**

Early in 1917 two delegates of The Canada India League of Toronto went to Ottawa. They saw the Hon. Dr. Roche, Minister of the Interior, and made representations regarding the disabilities of Indians settled in Canada.

### **The Imperial Conference 1917 Reciprocity Resolution**

In his address to the Imperial Legislative Council, on September 8th 1914, Lord Hardinge suggested that an endeavour should be made to lay down a principle of reciprocal treatment acceptable to all the Dominions, whereby emigration might be restricted in India itself by a system of passports, while the Dominions might give facilities to a moderate number of immigrants under certain conditions. This scheme was discussed in India and elsewhere and was deliberated upon at the Imperial Conference and War Cabinet in 1917 and 1918 at which Lord Sinha represented India. In the former year, a Memorandum was prepared on behalf of the India Office, setting forth in detail Lord Hardinge's system of reciprocity, and in the latter year, the following resolution was agreed to unanimously by India and all the self-governing Dominions:—

"1, It is an inherent function of the Governments of the several communities of the British Commonwealth, including India, that each should enjoy complete control of its own population by means of restriction on immigration from any of the other communities.

2. British citizens domiciled in any British country, including India, should be admitted into any other British country for visits, for the purpose of pleasure or commerce, including temporary residence for the purpose of education. The conditions of such visits should be regulated on the principle of reciprocity as follows:—

- (a) The right of the Government of India is recognised 'to enact laws which shall have the effect of subjecting British citizens domiciled in any other British country to the same conditions in visiting India as those imposed on Indians desiring to visit such country.
- (b) Such right of visit or temporary residence shall in each individual case be embodied in a pas-port or written permit issued by the country of domicile and subject to vise there by an officer appointed by and acting on behalf of the country to be visited if such country so desires.
- (c) Such right shall not extend to a visit or temporary residence for labour purposes or to permanent settlement.

3. Indians already permanently domiciled in other British countries should be allowed to bring in their wives and minor children on condition:—

- (a) That not more than one wife and her children shall be admitted for each such Indian, and
- (b) That each individual so admitted shall be certified by the Government of India as being the lawful wife or child of such Indian."

As a result of this resolution the Committee of the Privy Council of Canada has recommended that 'certain modifications of the restrictive provisions of the Immigration Act and regulations should be made for the relief of such of our fellow-British subjects of the East Indian race as may be affected by the resolution.'

Under the above-mentioned arrangements, the Indians could now bring their families to Canada. But alas, it was too late as many being hopeless and ruined had already left for their homes in India. Their property was gone. Their numbers had dwindled to one-fourth of the original—to about 1200.

The number of Indian tourists and merchants in Canada is insignificant, although after the European war a party of Bombay merchants including the late Sir V. Thackersey and Sir M. Visvesvarayya and others travelled in Canada.

### Mr. Sastri's Visit to Canada.

Indian immigration to the various parts of the British Empire was discussed at the Imperial Conference held in London in 1921. The Right Honourable V. S. Srinivasa Sastri was one of the Indian delegates. There he met the then Prime Minister of Canada, the Hon. Mr. Meighen, who invited him to the Dominion. But in the latter part of that year, there was a Federal election in Canada and the Conservative party was defeated. The Liberals under the leadership of Mr. Mackenzie King were returned to power.

In the summer of 1922, Mr. Sastri landed at Victoria. There he was received by Sir J. Pope, the under Secretary of State for External Affairs. Mr. Sastri interviewed Mr. John Oliver, the Prime Minister of British Columbia. Mr. Sastri accompanied by his private Secretary Mr. Bajpai travelled through Canada speaking at various places. At Ottawa he saw Mr. Mackenzie King and a party was given in honour of Mr. Sastri. Mr. Christie, an official of the Department of External Affairs, accompanied Mr. Sastri during the rest of his Canadian tour. Mr. Sastri stayed with Mr. Cocksutt at the Government House at Toronto, Ont. As a result of Mr. Sastri's labours, the prejudices against the Indians is a bit lessened but the question regarding immigration is the same as before. The Indians also have not yet been enfranchised in British Columbia.

### East and West.

Prof. Rushbrook Williams in his 'Indian in 1922-23' says—

"The impending struggle between East and West, foretold by many persons who cannot be classed either as visionaries or as fanatics, may easily be mitigated or even entirely averted, if the British Commonwealth of Nations can find a place within its wide compass for three hundred and twenty millions of Asiatics fully enjoying the privileges, and adequately discharging the responsibilities which at present characterize the inhabitants of Great Britain and the self-governing Dominions."

Canada is sending missionaries, officers, and merchants etc., to India. There is no representative of India in Canada to protect and defend the rights of Indians settled there. What is the solution of the problem of Indian emigration to Canada? Canada has made up its mind to solve the problem in her own way. Is it, just, equitable and fair to Indians national self-respect? We leave it for the Indians to decide. The situation seems discouraging and all our resources will be taxed to the uttermost, but nevertheless an earnest and persistent effort must be made to arrive at a satisfactory solution of the problem.

